

**Effective reintegration of female child soldiers: Reality or rhetoric?  
Case study of Northern Uganda**

**This dissertation is submitted in partial fulfillment of the requirements of the LLM  
(Human Rights and Democratisation in Africa) of the University of Pretoria**

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## DECLARATION

I, **Irene Desiree Mbengue Eleke**, do hereby declare, certify and affirm that the work presented in this dissertation is original. It has never been presented to any other University or Institution. Some of the ideas used in this research have been taken from other authors just to help support my views and these authors have been acknowledged. In this regard I declare this work as originally mine. It is hereby presented in partial fulfillment of the requirements for the award of the LL.M Degree in Human Rights and Democratisation in Africa.

Signed.....

Date.....

**Supervisor: Mr. Angelo Matusse**

Signature .....

Date.....

## **DEDICATION**

I dedicate this dissertation to the Almighty God for all his infinite goodness. I thank him for his continuous guidance through the course of this program especially during trying times. I thank him for helping me realise part of my hopes and dreams. I will praise and glorify him forever. Amen

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## LIST OF ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
ACHPR	African Commission on Human and Peoples' Rights
AI	Amnesty International
AU	African Union
BBC	British Broadcasting Cooperation
CDF	Civil Defence Force
CEIP	Community Education Investment Program
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CRC	Convention of the Rights of the Child
CWC	Child Welfare Committees
DDR	Disarmament, Demobilisation and Reintegration
ECHR	European Court For Human Rights
FAWE	Forum For African Women Educationalists
FGM	Female Genital Mutilation
GUAC	Government of Uganda's Amnesty Commission
IACHR	Inter American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICC	International Criminal Court
ICG	International Crisis Group
ICRC	International Community of the Red Cross
IDPs	Internally Displaced Camps
IMF	International Monetary Fund
LRA	Lord's Resistance Army
MAMAS	Mothers Against Military Advancement in Sierra Leone
NCDDR	National Committee on Disarmament, Demobilisation and Reintegration
NGOs	Non Governmental Organisations
PHR	Physician for Human Rights
RUF	Revolutionary United Front
SABC	South African Broadcasting Cooperation
SCSL	Special Court of Sierra Leone
SLAWW	Sierra Leone Association for Women's Welfare
STDS	Sexually Transmitted Diseases
UGHRC	Ugandan Human Rights Commission

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## CHAPTER ONE: Introduction

### 1.1 Research question and rationale

Is effective reintegration of female child soldiers a reality or rhetoric?

Armed conflicts occur throughout the world, but the African continent seems to be a particular background for civil and international wars.<sup>1</sup> Children do not start these wars, yet they are most vulnerable to their deadly effects. They become fighters either by abduction or without physical coercion, experiencing all sorts of violations and exposure to the remnants of war.<sup>2</sup> Many children have lost their childhood in the process. Being a fighter has impacted upon their construction of themselves as 'children' due to the militarisation and politicisation they experienced in the war setting. Is it possible for them to look through the neon and the glass to find their childhood again?

Children's participation in armed conflict is one of the worst forms of child labour and a violation in itself. It is an extensive violation of international humanitarian and human rights law. There is increasing awareness about the variety of roles played by girls in fighting forces. They are abducted and forced to be sexual slaves, cooks, cleaners, act as porters, loot, and 'wives' to combatants.<sup>3</sup> Notwithstanding Veale observes that, there are still a few gender-based issues of the differential experiences of male and female children who have been involved in military units.<sup>4</sup> Although they play all these roles, they have received scanty attention during the reintegration process as opposed to male child soldiers. McKay and her colleagues argue that majority of reports, international campaigns, and initiatives continue to use the generic term 'child soldiers' which most often mean 'boys'. They do not identify differential impacts for boys and girls before, during or after armed conflicts.<sup>5</sup> Mazurana found in another study that between 1990 and 2000 underage girls participated in armed conflicts in a minimum of 32 countries as child soldiers or military support forces.<sup>6</sup>

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<sup>1</sup> R Albertyn et al 'The effects of war on children in Africa' *Journal of Pediatric Surgery International* (2003) 5.

<sup>2</sup> C Belamy *Childhood under threat* UNICEF State of the World's Children (2005) 39.

<sup>3</sup> D Mazurana & S McKay Child soldiers: what about the girls? 23 (2002) available at [http://www.thebulletin.org/article.php?art\\_ofn=so01mazurana](http://www.thebulletin.org/article.php?art_ofn=so01mazurana) (accessed 21 October 2006).

<sup>4</sup> A Veale *From child soldiers to ex- female fighters, demobilization and reintegration in Ethiopia* (2003) 5.

<sup>5</sup> S McKay & D Mazurana *Girls in militaries, paramilitaries & armed opposition groups, war affected children* (2000) 23 available at <http://www.waraaffectedchildren.gc.ca/girls.asp> (accessed 23 October 2006).

<sup>6</sup> D Mazurana (n 3 above) 30.

Initiatives have been undertaken by some Non Governmental Organisations (NGOs) and other international agencies to ameliorate the situation. However, they are not adhered with urgency and child protection systems are being subjected to fundamental interrogation and re-appraisal. The reintegration of traumatised female child soldiers therefore still represents a critical challenge.

The international community has made attempts to support and promote strategies to protect children from armed conflict under international humanitarian law and international human rights law. However, only article 22(2) of the Convention of the Rights of the Child (CRC) provides for reunification with the family, and article 39 which deals specifically with rehabilitative care and reintegration. Other international instruments support the process of reintegration by implication.

Although international, regional and domestic instruments exist, they are not binding until they are ratified and implemented. In order to fulfil these obligations, state parties are required to make fundamental changes in national laws, institutions, plans, policies and practices to bring them in line with the principles of the treaties.

Northern Uganda qualifies for a case study because it has been in conflict between 1996-2006. It is estimated that there are 70 to 80 percent of child combatants with girls making up 30 percent.<sup>7</sup> Disarmament, and demobilisation is carried out by Uganda's People Defence Force (UPDF) working together with some United Nations (UN) humanitarian bodies, then NGOs and community leaders in turn work on the reintegration of the returnees. However, the reintegration process in Uganda is atypical when compared to that of Sierra Leone, and most often does not take into consideration the special needs of female child soldiers. Eventhough female child soldiers were also put at the back seat in the reintegration processes in Sierra Leone, there was more international awareness and Disarmament, Demobilisation and Reintegration (DDR) programmes were supported by the government, UN peacekeeping missions, international and NGOs.<sup>8</sup>

My focus will therefore be on Northern Uganda, but reference will be made to Sierra Leone as precedent where the context permits. This will be relevant for any reintegration procedure that Uganda adopts after the war.

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<sup>7</sup> As above.

<sup>8</sup> EF Barth *The reintegration of female soldiers in post-conflict societies comparative study from Africa* (2003) 12.

## **1.2 Definition of key terms**

### **1.2.1 Child Soldier**

A child soldier is any person under the age of 18 who is part of any kind of regular or irregular armed force in any capacity, including but not limited to cooks, porters, messengers and those accompanying such groups, other than purely as family members.<sup>9</sup> In the course of the study, terms such as 'girls', 'girl child soldiers' will be used interchangeably and often overlap. They are all meant to mean former female child soldiers.

### **1.2.2 The concept of reintegration**

Kingma defines reintegration as a complex process in which basically each of the ex-combatants has to find a new civilian life and re-establish roots in the society. He differentiates between social, political and economic reintegration and concludes that, the long-term objectives of the reintegration process are to enhance economic and human development and to foster and sustain political stability, security and peace.<sup>10</sup> The main components of reintegration include; education, family reunification, trauma counseling, health care services, skills training and accommodation.

Although this study deals with the reintegration of female child soldiers, the word 'reintegration' is used interchangeably with 'demobilisation' and 'rehabilitation' where the context demands. Thus, the use of any of these terms should be understood to mean reintegration.

## **1.3 Objectives of the study**

This work seeks to;

- Contribute to the understanding of the root causes of children participating in armed conflict.

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<sup>9</sup> A Twum-Danso *Africa's young soldiers: Co-option of childhood* (2003) 13.

<sup>10</sup> K Kingma *Demobilisation in sub-Saharan Africa* (2000) 46.

- Raise some important challenges of taken-for-granted assumptions about the long-term impact of recruiting female child soldiers.
- Briefly examine the rights-based approach to reintegration. This is to know whether the government and other actors involved are not only aware of the nature and extent of the rights outlined in the treaties that have been ratified, but also ensure that they are implemented during the reintegration process.
- Analyse the process of reintegration of female child soldiers, so as to know if it is effective or not.

#### 1.4 Literature review

Along the lines of the question posed above, the literature available in relation to this study can be classified into several categories; books, journal articles, case law as well as online articles dealing with female child soldiers in Africa. My paper also focuses on an African perspective to reintegration programmes.

Twum-Danso emphasises on the importance of rehabilitation and reintegration of child soldiers, to him it is like restructuring the wider society.<sup>11</sup>

Sources on child soldiers in general and female child soldiers in particular are books by; Thompson,<sup>12</sup> Cohn,<sup>13</sup> Dodge and Raunddan,<sup>14</sup> Lewis,<sup>15</sup> McConnan,<sup>16</sup> Custer,<sup>17</sup> and Davison.<sup>18</sup> These authors show concern about the plight of child soldiers in post conflict but do not elaborate on the issue of female child soldiers. They are more concerned about reintegration of child soldiers in general.

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<sup>11</sup> Twum-Danso (n 9 above) 30.

<sup>12</sup> CB Thompson *Beyond civil society: Child soldiers as citizens in Mozambique* (1999) 205.

<sup>13</sup> I Cohn 'The protection of children in peacekeeping processes' 12 *Harvard Human Rights Law Journal* 129 (1999) 2.

<sup>14</sup> C Dodge & M Raunddan *Reaching children in war: Sudan, Uganda and Mozambique* (1991) 21.

<sup>15</sup> S Lewis *Childhood trauma: Understanding traumatised children in South Africa, Cape Town* (1999) 32.

<sup>16</sup> I McConnan *Child soldiers and children associated with the fighting force*, draft report of a desk study (2000) 5.

<sup>17</sup> M Custer 'Sierra Leone's child soldiers' (2005) 19 *Temple International and Comparative Law Journal* 449 4.

<sup>18</sup> A Davison 'Child soldiers: No longer a minor incident' (2004) 12 *Willamette Journal of International Law and Dispute Resolution*.

A group of other authors like; Wissouw,<sup>19</sup> Dolan,<sup>20</sup> Cohen,<sup>21</sup> agree with the school above, but they go further to criticise the availability of literature or documentation concerning the plight of female child soldiers. They submit that systematic collection and analysis are needed to better identify the scope of girls worldwide concerning their participation in armed conflict and their specific needs. However, they do not show the inequality of female child soldiers in terms of educational opportunities and access to other reintegration resources.

Others include; Bennet et al,<sup>22</sup> McKay and Mazurana,<sup>23</sup> Reis,<sup>24</sup> Brett and McCallin,<sup>25</sup> Barth,<sup>26</sup> De Wattervill,<sup>27</sup> Machel,<sup>28</sup> Brett,<sup>29</sup> Wessels,<sup>30</sup> Leibig,<sup>31</sup> This school acknowledges the true scale and horror experienced by female child soldiers in conflict, the long-term impacts of these experiences and the extent to which they affect their reintegration back into the community. They assert that the problem of reintegration of female child soldiers into society and adhering to civilian peacetime values remains a serious concern. There is a general consensus that conventional reintegration programmes have not met their needs. However, they fail to emphasise on the specific rights violated when they are excluded from reintegration programmes and governmental commitments to fulfill protection of their rights.

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<sup>19</sup> V Wissow 'Child abuse and neglect' *New England Journal of Medicine* 332 (1995) 1425-1431.

<sup>20</sup> C Dolan *which children count? The politics of children's rights in Northern Uganda* (2002) available at [http://www.c-r-org/accord/uganda/accord II/children.html](http://www.c-r-org/accord/uganda/accord%20II/children.html) (accessed 21 October 2006)

<sup>21</sup> CP Cohen 'The United Nations Convention on the Rights of the Child: A feminist landmark' 3 *WM & Mary J Women & L* 29 (1997) 41.

<sup>22</sup> E Bennet et al (eds) *Acts against child soldiers in Africa: A reader* (2000) 8.

<sup>23</sup> S McKay & D Mazurana *where are the girls? Girls in fighting forces in Northern Uganda Sierra Leone and Mozambique: Their lives during and after war* (2004) 18-21.

<sup>24</sup> C Reis 'Trying the future, avenging the past: The implications of prosecuting children for participation in general armed conflict' (1997) 28 *Columbia Human Rights Law Review* 629 10.

<sup>25</sup> R Brett & C McCallin 'Case studies of Uganda, Burundi & DRC, cited in R Brett & C McCallin *Children: The invisible soldiers* (1996) 26

<sup>26</sup> (n 8 above)8.

<sup>27</sup> N De Wattervill *Addressing gender issues in demobilisation and reintegration programs* (2002) 12.

<sup>28</sup> G Machel *The impact of war on children* (2001) 11.

<sup>29</sup> R Brett *Girl soldiers: challenging the assumptions* (2002) 125-126.

<sup>30</sup> M Wessels 'Psychological issues in reintegrating child soldiers' 37 *Cornell International Law Journal* 513(2004) 2 -3.

<sup>31</sup> A Leibig 'Girl child soldiers in Northern Uganda: Do current legal framework offer sufficient protection?' 3 *Northwest University Journal of International Human Rights* (2005) 1.

This contribution will therefore seek to examine a rights-based approach to reintegration which if applied may make the reintegration process more effective for female child soldiers. Theoretically speaking, discourse in this area is relatively few. This dissertation hopes to add to the existing literature.

## **1.5 Research methodology**

This study will utilise a desk method. It will also draw examples from the reintegration programs in Sierra Leone where I carried out some research, hoping that it will serve as example for my case study. Some informal interviews were granted to some female ex child soldiers in Sierra Leone. This was in a bid to get a true picture of their experiences, understand the process of reintegration and to explore how being a fighter has impacted upon their construction of themselves as 'children'.

The informal interviews were based on a few questions which sought to investigate recruitment and entry into conflict, engagements in combat and non-combat duties of girl children, the impact on their rights and lives as children and self-concept challenges, whether they were successfully reintegrated and what has become of them. Informal interviews were also granted to child protection officers and human rights officers in United Nations Children's' Fund (UNICEF) and some NGOs in Freetown. All these information will help me determine whether Sierra Leone can serve as a good example for Uganda. Research on Northern Uganda will be based on empirical and non empirical information from authors and internet sources.

## **1.6 Limitation of study**

This study is focused on the concept of reintegration of female child soldiers and human rights. It is limited to Northern Uganda, but reference is made to Sierra Leone as precedent. There is also a limitation on the fact that reintegration as a concept is wider than just the legal aspects. It is even more relevant in other disciplines like anthropology. A clear cut legal aspect will only come in when it is seen in the rights-based approach perspective. However, there is a problem with dealing with reintegration between the rights-based framework and the local understanding of the concept of reintegration. This may cause a limitation in adopting this approach.

## 1.7 Outline of chapters

### **Chapter One:** Introduction and Background

**Chapter two:** Investigating the recruitment and impact of conflict on child soldiers in general and female child soldiers in particular

This chapter will be divided into two parts. Part one sets the stage by giving a brief account of the conflict in Northern Uganda and Sierra Leone. Part two identifies the significant environmental factors, but not sufficient conditions that cause children in general and girls in particular to join armed groups and the impact it has on female child soldiers.

### **Chapter three:** Legal guarantee of the right to reintegration: By provision and implication

This chapter outlines and analyses treaties that have influenced and circumscribed the policies and practices for the reintegration of female child soldiers. It also looks at those that provide for reintegration by implication. This chapter will also examine the rights-based approach as base for reintegration processes. Case law will be included.

### **Chapter four:** Comprehensive analyses of effective socio-economic reintegration of female child soldiers

This chapter will examine the factors that influence successful reintegration. It will portray the half-baked approach of reintegration that is obvious in the case study. The role of international agencies, NGOs, civil society and other actors will be discussed as a platform for successful reintegration. Furthermore, some decisions at the Special Court of Sierra Leone (SCSL) will be discussed.

### **Chapter five:** Conclusion and recommendations

## **CHAPTER TWO: Investigating the recruitment and impact of conflict on child soldiers in general and female child soldiers in particular.**

### **2.1 Introduction**

This chapter seeks to examine the *sine qua non* that causes children in general and female child soldiers in particular to join armed groups and how it affects their rights as children. It will be divided into two parts; one part will include a background of the war and the other part, the reasons for recruitment, experiences and impact of the conflict on female child soldiers. A point to note is that girls are recruited for the same reasons as boys which will be addressed later in the study. However, there are particular factors that are more prevalent amongst girls.

Communities, families and other actors involved in the reintegration programs generally construct female child soldiers as 'damaged goods', they are perceived not just as perpetrators, but hardened killers. They fail to understand the psychosocial damage they have incurred. Wessels argues that they are resilient, not 'damaged' and able to successfully reintegrate into civilian life.<sup>32</sup> Bennett et al reiterate the fact that the role of girls, are usually countercultural and associated with perceptions of them being sexually active.<sup>33</sup> Although girls are recruited for the same reasons as boys, girls play variety and simultaneous roles, which include sexual services and cooking for the combatants. They should therefore be given the same chance as boys during reintegration. However when designing reintegration programmes, considerations are not usually made about the different impacts they experience like pregnancy, trauma due to rape and others that will be elaborated below.

This investigation will not make sense if a brief account of the conflict in Northern Uganda and Sierra Leone are not made. This would influence how female child soldiers' behavior and adjustments are perceived after child soldiering experiences.<sup>34</sup> It should be noted that the conflict is not technically going on in Northern Uganda at the moment because a ceasefire has been signed.

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<sup>32</sup> Wessels (n 30 above) 5.

<sup>33</sup> Bennet et al (n 22 above) 7.

<sup>34</sup> C MacCullin & M Loughry 'Investigating psychosocial adjustment of former child soldiers in Sierra Leone & Uganda' (2004) 17 *Journal Refugee Studies* 460 5.

## PART ONE

### 2.2 Brief background of the conflict in Northern Uganda and Sierra Leone

#### 2.2.1 Northern Uganda 1987- 2006<sup>35</sup>

After 20 years, the war in Northern Uganda is finally showing signs of abating. Far back in 1987, Joseph Kony started a movement called the Lord's Resistance Army (LRA) to overthrow the government of Uganda. He created his army primarily through violent abduction and forced enlistment of children. Europa describes the war in Uganda as; 'the most bloody and gruesome instances of modern warfare'.<sup>36</sup> Many of the children abducted are between the age of 14 and 16 years old, others are young as 8 or 9.<sup>37</sup> They are abducted in the Kitgum, Gulu and Pader districts of Northern Uganda.

In 2005 Olara Otunnu, former UN Special Representative for Children and Armed Conflict, remarked that;

*'Genocide is unfolding in Northern Uganda...Children, as a matter of policy, are condemned to a life of darkness'*.<sup>38</sup>

Within 20 years, approximately 20.000 children have been abducted to serve as child soldiers. A British Broadcasting Cooperation (BBC) journalist reported recently that they are brainwashed and given a choice to 'kill or be killed'.<sup>39</sup> Tens of thousands of them leave their homes at night for fear of being abducted.<sup>40</sup>

A cessation of hostilities was signed between the Ugandan government and the LRA rebels in August 2006. This has ushered in new promise to peace talks between the two sides. It is reported that the

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<sup>35</sup> For more information about the war, visit <http://hrw.org/english/docs/2005/01/13/uganda9862.htm> (accessed 22 October 2006).

<sup>36</sup> Pressinfos Caritas Europa Brussels (2006) available at <http://www.caritas.europa.org/code/en/hp.asp> (accessed 19 September 2006).

<sup>37</sup> I Cohn & G.S Goodwin-gill *Child soldiers: The role of children in armed conflict* (1994) 23- 31.

<sup>38</sup> *Act for stolen children campaign launched in New York City* available at <http://www.Ugandan.org/item/574>(accessed 20 September 2006)

<sup>39</sup> BBC News 10/3/2006 *Ugandan army recruiting children*(2006) available at <http://www.newsvote.bbc.co.uk/mpapps/pagetools/print/news/Africa> (accessed 19 October2006)

<sup>40</sup> Uganda's night commuter children (n 2 above) 48-49.

talks, which was brokered by South Sudan President Riek Machar opened in Juba, Sudan in July 2006 has gained a new traction since the truce announcement. However, substantial differences between the two sides' agendas remain, including the outstanding International Criminal Court (ICC) arrest warrants for Joseph Kony and other top leaders.<sup>41</sup> International Crisis Group (ICG) reports that the killing of LRA leader Raska Lukwiya by the army on the 12 of August 2006 may delay the peace process. The government is however asked to respect the 26 August 2004 cessation of hostilities agreement and let negotiations take precedence over an effort to impose a military solution.<sup>42</sup> We hope that this is finally a flicker of light at the end of the tunnel.

### ***The nature and scope of female child soldiers in Northern Uganda***

When the rebels came to our house, they handed my 8-year old brother an axe and ordered him to slice my father's head in two. My brother cried uncontrollably. As he tried to run away. The rebels shot and killed him instantly. One of the rebels turned and handed me the axe to do what my brother has refused to do. Out of fear, I killed my father. After beating my mother unconscious, the rebels ordered me to carry some stuff and follow them. ...After killing the other girls, we were made to drink their blood in bowls made of human skulls...At night, he tore my clothes, punched me in my private parts, and moved on top of me. He tried several times to penetrate me without any success. He then pulled out a razorblade and cut my private part, a month later I found out that I was pregnant. I didn't know what to do. Now I have three children by the same man. But I don't even know him.<sup>43</sup>

In Northern Uganda, not only do girls face threats of being captured by the LRA, they also face assault and rape in Internally Displaced (IDP) camps. Women's Commission for Refugees Women and Children (WCRWC) reported that girls comprise 20 to 30 percent of the child soldiers recruited and abducted. Between January and June 2005, rapes of 292 girls were reported in mid-western Uganda, Kabrole, Kamwenge, Bundibugyo, kase se and Kyengo districts.<sup>44</sup> The youngest among them are assigned to commanders as servants or *ting ting* and forced to work in strenuous domestic capacities for long hours. Some are given military training and made to fight, carry out raids, abduct other

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<sup>41</sup> *A strategy for ending Northern Ugandan Crises Africa Briefing No 35* 11 January 2006 available at <http://www.crisisgroup.org/home/index> (accessed 18 September 2006)

<sup>42</sup> *Peace in Uganda? Africa Briefing No 41* 13 September 2006 available at <http://www.crisisgroup.org/home/index.cfm> (accessed 15 September 2006)

<sup>43</sup> *Nursing the invisible wounds of ex child soldiers*, interview by John Kiweewa on January 7 2006 The story of a child mother in the Unyama IDP camp in Gulu District available at <http://www.ugandacan.org/item/1080/catid/1> Northern Uganda (accessed 25 September 2006)

<sup>44</sup> WCRWC, *Against all odds: Surviving war on adolescents* (2001) 17 available at <http://www.nai.uu.se/publications/news/archives/105finnstrom>(accessed 15 September 2006)

children, and forced into virtual slavery.<sup>45</sup> The bodies and lives of girls in Uganda are at the disposal of the LRA. Sexual slavery, which is imposed on all the girls results to majority of them having HIV and AIDS against 60 percent of boys<sup>46</sup> Some girls are forced to serve as 'wives' to the combatants when they reach the tender age of 14 which exposes them to threats of rape, sexually transmitted diseases (STDS), and unwanted pregnancies.<sup>47</sup> Their combatant husbands often refuse to release them, however those who manage to escape face significant cultural prejudice when they return to their communities. The situation is worse when they are pregnant or have babies because they are considered to have lost their purity and therefore face rejection.<sup>48</sup>

The most traumatic events these girls have to overcome is that of separation with their family, which is the central fabric of Ugandan lifestyle. Loss of family network causes them to grow without emotional, economic support and lack of guidance in morality and ethics. The loss of education is also a setback to those who want to assimilate back into the society.<sup>49</sup>

Leibig asserts that girls in Northern Uganda are highly vulnerable to human rights abuses, which makes international law protecting them more critical.<sup>50</sup> She submits that despite frequent mention of sexual violence against girls in articles and reports, little has been done to create inclusive international laws once the issue has been framed.<sup>51</sup>

The roles of girls in conflict and the impact of conflict are therefore a justification that female child soldiers have to be recognised and need special consideration during reintegration processes.

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<sup>45</sup> As above

<sup>46</sup> HRW Child Rights Project, *the scars of death: children abducted by the LRA in Uganda* (1997) I in H.J Steiner & P Alston International human rights in context: law, politics & morals 2 nd edition (2000) 532.

<sup>47</sup> HRW *Stolen children: Abduction and recruitment in Northern Uganda* 4 vol.15, No (7) (A) March 2006 available at <http://hrw.org/reports/2003/Uganda0403pdf> (accessed 9 October 2006).

<sup>48</sup> AI, '*breaking God's commands*' *The destruction of childhood by the LRA* 16(1997) available at <http://www.amnesty.org/library/index/ENGAFR590011997?open&of=ENG-UGA> (accessed 16 August 2006).

<sup>49</sup> As above.

<sup>50</sup> Leibig (n 31 above) 1.

<sup>51</sup> As above 2.

## 2.2.2 Sierra Leone 1991-2002<sup>52</sup>

From 1991 to 2002, Sierra Leone suffered war, terror and a deep unrelenting humanitarian crisis that has left it devastated today. Many reasons were advanced as causes of the war, including corruption and mismanagement in the diamond sector. More than 10,000 children served as child soldiers in various capacities.<sup>53</sup> Mawson et al reported that most of the children abducted in Sierra Leone were younger than ten years old.<sup>54</sup>

Girls played an integral role to the Civil Defence Force (CDF) and Revolutionary United Front (RUF) as spies, porters, commanders, and frontier fighters. Some were herbalists, meant to supply fighters with magic potions for invulnerability. Others were cooks and spiritual leaders, they witnessed brutal rituals and suffered significant sexual abuse.

Furthermore, they served as captive 'wives' for the commanders, distributing weapons and food confiscated from village raids. Some experienced birthing practices that were usually violent. A horrific example was given of the RUF who forced objects into girls' vaginas and jumped on their abdomens to induce birth if forces need to be done quickly.<sup>55</sup>

This civil war had terrible effects on female child soldiers. It is reported that over 15,000 children (including 4000 girls) were directly or indirectly affected by the conflict. Rosen was right to remark that Sierra Leone is the *poster-child* case of the modern child soldiers' crises.<sup>56</sup>

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<sup>52</sup> For more information, visit <http://www.globalissues.org/Geopolitics/Africa/SierraLeone.asp>(accessed 20 September 2006)

<sup>53</sup> *Coalition to stop the use of child soldiers* Regional Parliamentarian Seminar Senegal 27-8 February & March 2006 18.

<sup>54</sup> A Mawson et al *War brought us here: Protecting children displaced within their own countries by conflict* (2000) 21.

<sup>55</sup> L Kay *why we cannot find the hidden girl soldier; A study of professional attitude toward gender analysis in international conference and development Work11* available at <http://www.peacestudiesjournal.org.uk/docs/Child%20soldiers%20final%20version%2003.Pdf> (accessed 21 September 2006).

<sup>56</sup> DM Rosen *Armies of the young; Child soldiers in war/terrorism* (2005) 7.

## PART TWO

### 2.3 Recruitment and impact of conflict on child soldiers in general and female child soldiers in particular

#### 2.3.1 Impetus for recruitment

Recent reports estimate that out of 300,000 child soldiers around the world, about 40 percent of them are girls.<sup>57</sup> It is imperative to discuss and understand the reasons why children join conflicts before discussing the impacts because it usually acts as a base during the reintegration process.

It has been argued that children are recruited as a means of survival. This is because to them the alternative to enlisting could be unemployment. More over some bush camps offer alternative schooling due to the collapse of the formal education system because of the war.<sup>58</sup> Other authors submit that poverty is said to be a major environmental factor, which makes children vulnerable to involvement in armed conflict.<sup>59</sup>

Available evidence indicates that girls join armed groups without explicit coercion. Most of the time it is to obtain security, health care, training or to escape from abusive parents. Boys on the other hand, join to obtain the sense of power and prestige that wearing a uniform and carrying a gun provides.<sup>60</sup> Wessels sums this up to alienation and hopelessness which is due to the fact that they have no positive role models, few positive life options, little opportunity for education, no job skills and no money.<sup>61</sup>

Many Children are also recruited because they can easily be manipulated. McConnan agrees with this and adds that it is also due to their agility and small size.<sup>62</sup> Brett and McCallin give an example of Liberia and Sierra Leone where children joined for the 'adventure' attracted by the sheer fun of

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<sup>57</sup> J de Capuca *120,000 girls believed to be child soldiers* available at <http://www.voanews.com/english/archive/2005-04/2005-voa27.cfm>(accessed 16 October 2006)

<sup>58</sup> Twum-Danso (n 9 above) 30

<sup>59</sup> R Brett & I Specht *Young soldiers, why they choose to fight* (2004) 14.

<sup>60</sup> Wessels (n 30 above) 5

<sup>61</sup> As above 4.

<sup>62</sup> McConnan (n 16 above) 4.

'belonging' or in order to become famous and admired.<sup>63</sup> Brett holds a different position elsewhere when she argues that girls join voluntarily and deliberately choose to have more than one partner because it brings benefits such as protection, money, clothes, transport or for emotional reasons.<sup>64</sup>

Despite the fact that similar circumstances push both boys and girls to join armed groups, there are differences and variations in the degree or emphasis of the separate factors. It is worth noting however that the most common form of recruitment is forced abduction as submitted by Abu.<sup>65</sup>

### 2.3.2 Vying for recognition?

The principle of non discrimination still poses a major challenge today. Girls still remain largely invisible after armed conflicts and most people see the image of a boy when confronted with the idea of child soldiers.<sup>66</sup>

While boys are generally regarded as the epitome of child soldiering, girls are regarded as sex slaves or victims of conflict. This obscures the fact girls also play variety and simultaneous roles as mentioned earlier. It is consciousness of this that led to the rephrasing in the Cape Town Principles of 1997 of the definition of a child soldier;

A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity including but not limited to cooks, porters, messengers and those accompanying such groups other than purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not therefore only refer to a child who is carrying or has carried arms.<sup>67</sup>

This definition is broader and takes into account the less visible roles played by girls and women.

Machel also echoes this definition in her definition of child soldiers.

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<sup>63</sup> Brett & McCallin (n 25 above) 8.

<sup>64</sup> Brett (n 29 above) 125.

<sup>65</sup> My interview with AJ Abu program Coordinator Children Associated with the War (CAW) Freetown April 2006.

<sup>66</sup> P Vessilin & I Karin *Policy briefs* No.4(2006) available at [tp://www.unu.edu/publications/briefs/policybriefs/2006/PB4-06.pdf](http://www.unu.edu/publications/briefs/policybriefs/2006/PB4-06.pdf)(accessed 17 October 2006)

<sup>67</sup> Cape Town Principles of 1997 available at [http://www.unicef.org/emerg/files/Cape\\_Town\\_Principles\(1\).pdf](http://www.unicef.org/emerg/files/Cape_Town_Principles(1).pdf)(accessed 20 September 2006)

A child soldier is any child, boy or girl under the age of 18 who is recruited or used in hostilities by armed forces...child soldiers are used for forced sexual services as combatants, messengers, porters and cooks...the majority are boys, but a significant proportion overall are girls.<sup>68</sup>

Twum-Danso shows comprehensive concern on the situation of girl soldiers by arguing that, it is necessary to focus in great depth on their experience in conflicts so as to appreciate their special requirements of rehabilitation and reintegration programmes. He says girls are forgotten, ignored or dismissed, and only acknowledged as an appendage, an after-thought in a concluding paragraph or an appendix in the deepest recesses of a report or book.<sup>69</sup> He goes on to assert that, a successful reintegration can only be possible if a positive role is constructed for them which will enable them assume meaningful, functional lives, culturally constructed and defined in the local communities.<sup>70</sup> This implies that if they are recognised as major actors in the conflict, they will not be invisible or marginalised during reintegration. Highlighting the impacts of conflict on female child soldiers will go further to justify the fact that they need to be recognised and accorded special protection during reintegration processes.

### **2.3.3 The impact of armed conflict on female child soldiers**

It is clear from the foregoing that girl child soldiers are impacted in different ways from boy child soldiers in that they experienced rape, hardship, and loss of dignity. They also play a variety of roles ranging from front line fighters, porters or cooks and sexual slaves. There should be concern on how to reverse the damage done to them because they have not only been agents of wartime atrocities, but also victims.

As was stated by the Cape Town Principles;

*The impact of the conflict on children and their family must be assessed in order to develop effective programming...*<sup>71</sup>

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<sup>68</sup> Machel (n 28 above) 7.

<sup>69</sup> Bennet et al (n 22 above) 39.

<sup>70</sup> As above.

<sup>71</sup> Cape Town Principles para 33(c).

After giving a background of the roles and experiences, it will be germane to identify the impacts in detail, which can be psychological, emotional or physical and manifested differently according to the experiences.

### ***Physical impact***

Female child soldiers suffer injuries such as loss of limbs and hands, which limits their potential for future economic productivity. Some lose their sight, and hearing, which hinder educational and social development. This affects their reintegration because they cannot fend for themselves when they are rejected during reintegration and by their families and communities.<sup>72</sup>

### ***Psychological impact***

Psychological consequences range from aggression, anxiety, fear, grief and depression. This is basically caused by the acts they were forced to commit. In Sierra Leone for instance, female child soldiers were forced to kill members of their own families or loot their own villages.<sup>73</sup> A Ugandan case study reports that female child soldiers tend to be withdrawn with little self-confidence and lapse into absent-mindedness when they remember how they chopped off hands and heads. Some experience repeated nightmares and hallucinations. This psychological trauma is compounded by sexual violence and the shame that results from it when they get back to their families and communities after the war.<sup>74</sup>

### ***Impact on education***

Research portrays that nearly 115 million children are out of school all over the world and about 54 percent are girls.<sup>75</sup> A very imposing impact of conflict on girls is that it discourages them from going to school. This situation continues and worsens in post-conflict because then they are either married or

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<sup>72</sup> *Scarred for life* available at <http://www.irinnews.org/webspecials/northernuganda/sec1sf122.asp> (accessed 23 October 2006).

<sup>73</sup> Wessels (n 30 above) 3.

<sup>74</sup> *AI report on the impact of armed conflict on girls in Uganda 1997* available at [http://www.amnesty.ca/themes/children\\_overview.php](http://www.amnesty.ca/themes/children_overview.php) (accessed 18 October 2006).

<sup>75</sup> UNICEF State of the World's children (2006): *Discrimination against girls excludes them from education* available at [http://www.unicef.org/sowc06/profiles/girls\\_ed.php](http://www.unicef.org/sowc06/profiles/girls_ed.php) (accessed 18 October 2006).

have babies. Having a baby is an impediment from benefiting from the reintegration program because they are not adapted for girl mothers.

Berkeley for instance reported that she has not attended school since she returned because she has not received any benefits from the reintegration program. She says she would have loved to acquire some skills so that she can help herself and baby.<sup>76</sup>

UNICEF submitted recently that, educating girls is key to ensuring that the next generation receives an education. It is for this reason that they advocate for quality basic education for all children, boys and girls inclusive with special emphasis on gender equality and eliminating disparities of all kinds.<sup>77</sup>

### ***Impact on health***

Amnesty International (AI) report that girls have medical and social consequences, which are aggravated due to complications arising from STDS, social rejection and alienation because of sexual encounters.<sup>78</sup> Sexual abuse also has unhealthy outcomes such as sexual dysfunction, relationship problems, low self esteem, depression, suicidal thoughts and alcohol abuse.<sup>79</sup> STDs cause further complications like pelvic inflammatory diseases. Those who are raped experience more severe consequences in terms of permanent damage. They have problems such as uterine deformation, vaginal sores, menstrual complications, premature births, still births, sterility and sometimes death.<sup>80</sup> As Inger rightly pointed out, these create added challenges to reintegration and rehabilitation.<sup>81</sup>

Apart from the humiliation they go through, when raped some end up pregnant by their combatant husbands in preteen years or early teen years which is risky for their developing bodies.<sup>82</sup> They go through unassisted birth or with unskilled help, which increases health risk to themselves and their

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<sup>76</sup> Berkeley's testimony, Freetown April 2006.

<sup>77</sup> UNICEF Press centre 2006 Facts on children; *basic education and gender equality* available at <http://www.UNICEF.org/media/media> (accessed 10 October 2006).

<sup>78</sup> *Child soldiers* available at [http://www.amnesty.ca/resource\\_centre/annual\\_report/Africa\\_overview.php](http://www.amnesty.ca/resource_centre/annual_report/Africa_overview.php)(accessed 12 September 2006).

<sup>79</sup> *Multi-country study on women's Health and Domestic Violence Against Women: Initial results on Prevalence, Health outcomes and women's response WHO* (2005) 21 available at [http://www.choike.org/nuevo\\_eng/informes/3982.html](http://www.choike.org/nuevo_eng/informes/3982.html) (accessed 19 October 1006).

<sup>80</sup> Machel (n 28 above) 34.

<sup>81</sup> H Inger 'rehabilitation of child soldiers *InterACT No 4* (2000) 5.

<sup>82</sup> (n 44 above).

babies.<sup>83</sup> A Ugandan Journalist reported that girls are taken from Northern Uganda to Sudan where it is difficult to monitor what is going on. The consequence is that many girls die of childbirth or develop complications during labor.<sup>84</sup> A Physician for Human Rights (PHR) report portrayed that some are even unable to breastfeed their babies due to their membership in the armed forces and opposition groups. Since they are malnourished their babies become sick and often die. The report cited a physician working at the government hospital in Kenema Sierra Leone who said that abductees' babies from the North were so sick and malnourished that 20 to 50 percent often died in the hospital. It was also reported that Female Genital Mutilation (FGM) is used in some tribes as a way to cleanse female child soldiers. This practice also has long and short-term consequences on them, ranging from shock, haemorrhage, cysts and abscesses.<sup>85</sup>

Furthermore, those who are raped are sometimes infected with HIV and AIDS. This is because survival and informal transactional sex is thought to be widespread in IDP camps. PHR reported that in Uganda, 31 percent of unmarried older adolescent girls between the ages of 15-19 received money or gifts in exchange of sex.<sup>86</sup>

### ***Girl mothers***

Many female child soldiers who are victims of rape end up pregnant at very tender ages. As was indicated by McKay and her colleagues, the phenomenon of girls who are pregnant on their return from armed groups largely remains acknowledged. They are usually invisible in the eyes of those that fund, design and implement the reintegration programmes. They face community judgement, stigmatisation and social distancing. Adding motherhood to this equation makes reintegration more difficult for girl mothers than boys.<sup>87</sup> Young mothers have been termed by some authors as 'the most' or 'particularly' vulnerable of all returnees and do not benefit from formal DDR assistance. Most young

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<sup>83</sup> P Smyre *women and health* (1993) 15.

<sup>84</sup> C Lamwaka (in preparation) *The experience of the girl child in Northern Uganda*. File from a book manuscript on the civil war and peace in Uganda 1986-2000 available at [http://www.themastering.com/www\\_edit/upload/cades/courses/051206/McKayMazurana%20-%20Girl%20Soldiers%202000.pdf](http://www.themastering.com/www_edit/upload/cades/courses/051206/McKayMazurana%20-%20Girl%20Soldiers%202000.pdf) (accessed 12 September 2006).

<sup>85</sup> (PHR 2000) *Preliminary findings and recommendations for the health consequences of human rights violations during civil war*. Unpublished report available at <http://www.hhri.org/pr> (accessed 21 September 2006).

<sup>86</sup> As above

<sup>87</sup> S McKay et al *Girls formerly associated with fighting forces and their children: Returned and neglected* (2006) available at <http://uwacadweb.uwoyo.edu/Mckay/bellegio.asp> (accessed 28 September 2006)

mothers in Northern Uganda testified that they were being treated as 'second hand' class citizens without value by their abductors and communities.<sup>88</sup>

Another author portrayed that in Sierra Leone, girls reported that when they returned home with their 'fatherless babies' they witnessed resentment towards themselves and their babies by their families and communities. They faced a lot of challenges relating to the availability of alternative childcare so they had to carry them around. This hampered their ability to concentrate in any skills or educational training. A point to note is that, their babies do not receive any proper and sufficient nutrition or adequate health care. How can they when the girls themselves lacked basic necessities like sleeping mats, blankets, and nets to protect themselves and their babies from malaria and other harsh conditions. Many girls talked of having to support themselves and their babies through prostitution. They would have stayed in their villages with families, but they cannot stand the humiliation of being called 'rebels' and 'sex tools'.<sup>89</sup>

## 2.4 Conclusion

This part of the study explored the background of the conflict in Northern Uganda and Sierra Leone, reasons for recruitment and impact of armed conflict on child soldiers in general and female child soldiers in particular. It also highlighted specific impacts on the female child soldier and the extent to which it affects her reintegration. A summary of it all is that female child soldiers suffer the same fate as male child soldiers after conflict such as lack of health care facilities, education, trauma, injuries, and disabilities. However, this chapter has portrayed that the situation of girls is different from boys because their status in the society limits their options in reintegration programmes. This is compounded by societal and personal perceptions about them after the conflict. Their sexual activities reinforces societal stereotypes and value placed on virginity, it also restricts further prospects of marriage and employment and pushes them to prostitution. However, does this understanding help to analyse patterns of individual experiences against the backdrop of specific, gendered and localised contexts as was observed by Brett and McCallin?<sup>90</sup> How best can they be satisfied? This will be answered in the subsequent chapters.

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<sup>88</sup> G Onyango et al (2005) *Girl mothers in Northern Uganda* (paper presented at the Conference on Girl mothers in fighting forces and their post-war reintegration in southern Western Africa, The Rockefeller foundation study and conference center Bellagio, Italy (as above).

<sup>89</sup> Testimony of some female child soldiers hosted by Children Affected by War (CAW) Freetown April 2006(they preferred to remain anonymous)

<sup>90</sup> Brett & McCallin (n 25 above) 27.

The next part of this study will examine the legal framework, as well as analyse the extent to which various human rights instruments protect the rights of children in general and the female child soldier in particular during reintegration. The rights-based approach will also be introduced as a new approach that can be applied to reintegration.

## CHAPTER THREE: Legal guarantee of the right to reintegration: By provision and implication

### 3.1 Introduction

The general thrust behind national and international action on behalf of children is the moral and legal recognition of their emotional, physical and psychological vulnerability, their need for special care, and recognition of the obligation to respect and ensure respect for their rights. Simultaneously, we must recognise that events in childhood will affect the individual as an adult and consequently, society as a whole.<sup>91</sup>

Haven ascertained the impact of conflict on children, the study will proceed to give the legal framework. It will also introduce the rights-based approach to reintegration. It is worth noting that the fact that an instrument provides for or does not provide for the right to reintegration of girl child soldiers or mentions them is not conclusive in terms of the protection that a girl child should get. International bodies may monitor abuses of female girl child soldiers but guarantees of human rights can only flow from the state when they ratify and implement the human rights instruments that protects them.

The status of girls within the international human rights regime and duty to ensure their rights can only be comprehensible if their economic and social conditions are taken into consideration. The Universal Declaration of Human Rights (UDHR) prohibits discrimination on various grounds including sex.<sup>92</sup> The principle of non discrimination and equality is also recognised in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the CRC. At the regional level, we have the African Charter on Human and People's Rights (the African Charter), the African Charter on the Rights and Welfare of the Child (the ACRWC) and the Protocol to the African Charter on the Rights of Women in Africa (the Women's Protocol).

In recent years, child-rights approach is gradually being integrated into the practice of international law. State parties therefore have a distinct duty to respect the rules of international human rights law applicable to them so as to ensure the protection of children during and after armed conflict. Female

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<sup>91</sup> I Cohn 'The protection of children in peacemaking and peacekeeping processes' *Harvard Human Rights Journal Spring Journal* 1999 2.

<sup>92</sup> Art 2.

child soldiers can only be effectively protected by international law if their plights are clearly specified in the text of all documents.

War causes children, including girls to be deprived of their fundamental rights. It disintegrates family and community structures, depriving them from their normal bases of support, shelter and protection. Most often they end up as street children or homeless refugees. I concur with Bennet when she submits that, although many children are killed in fighting, many of them succumb to disease, malnutrition, starvation and social disruption in the aftermath of war.<sup>93</sup> States can achieve their obligation of ensuring protection and care by reintegrating female child soldiers affected by war.

It is against this backdrop that the discourse turns to the various legal instruments that serve the purpose of this chapter. Before the study proceeds, it is worth noting that child soldiers (male and females) have existing protection under humanitarian law such as the fourth Geneva Convention of 1949, and the two additional Protocols of 1977. However, (with the exception of Protocol II) they do not fall within the scope of this study which deals with reintegration after disarmament and demobilisation.

Due to the scope of this study, an in-depth discourse of the normative content of all relevant legal instruments will not be possible, my focus will only be on some UN human rights instruments such as the CRC, the Protocol to the CRC and CEDAW and those within the African Union (AU) such as the African Charter, the Women's Protocol, and the ACRWC. The study will also look at Protocol II to the Geneva Convention and International Labour Organisation (ILO) Convention 182. It is worth noting that only article 39 of the CRC provides for the right to reintegration. The African Charter is silent on this right, but has provisions that can be interpreted to imply reintegration according to their content. The following sections of this study will consider whether the UN instruments and the AU offer sufficient protection to the female child soldier's right to reintegration. It should be noted that CEDAW and the Women's Protocol will be treated together

### **3.2 The UN instruments**

The UN recognises the equal and inalienable rights of all its members. It is for this reason that major UN instruments are adopted to promote these rights. It also has Resolutions like UN Resolution

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<sup>93</sup> TW Bennet *Using children in armed conflict: A legitimate tradition? Criminalising the recruitment of child soldiers* (1998) 30.

48/157 on the 'protection of children affected by armed conflicts',<sup>94</sup> among others with the same objectives. This Resolution was established as a response to the request by the Committee on the Rights of the Child pursuant to its power under article 45 of the CRC. Furthermore, the UN Commission for Human Rights (UNCHR) appointed a Special Rapporteur on the right to education in August 1998. One of the Rapporteur's objectives was to work against the elimination of discrimination in education.

### 3.2.1 The CRC<sup>95</sup>

The CRC offers a firm legal footing in the protection of children before, during and after conflict. It provides a helpful and appropriate framework for addressing the challenges that exist in the realm of international crimes against children and also covers children in difficult circumstances.<sup>96</sup>

It is commonly described as the 'centerpiece of children's rights',<sup>97</sup> covering the general scope of children's rights with specific articles addressing human rights abuses that are faced by girls and specific protection to male and female child soldiers.<sup>98</sup> Cohen echoes this fact when she says; the CRC breaks the 'linguistic tradition' of using the masculine singular possessive pronoun. She submits that; 'the child' is used whenever possible throughout the Convention and when it is necessary to use a singular pronoun, both 'his' and 'her' appear.<sup>99</sup> This Convention is very appropriate in this section because it draws attention to civil, political, socio-economic and cultural rights of male and female child soldiers. Apart from article 39, which deals with reintegration, the Convention is enshrined with other provisions, which can be interpreted to imply reintegration. These are summarised in the right to survival,<sup>100</sup> protection,<sup>101</sup> development,<sup>102</sup> and participation.<sup>103</sup>

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<sup>94</sup> General Assembly Resolution 48/157, 48th session, Agenda Item 172. UN Doc A/RES/48/147(Dec 20 1993).

<sup>95</sup> CRC Nov 20 1989, (entered into force Sept 2 1990).

<sup>96</sup> Policy Briefs (n 66 above) 2.

<sup>97</sup> Liebig (n 31 above) 5.

<sup>98</sup> Art 38.

<sup>99</sup> CP Cohen *Jurisprudence on the Rights of the Child* Vol. II (2005) 47.

<sup>100</sup> Arts 6 & 24.

<sup>101</sup> Arts 2, 19, 32, 33, 34, 35, 36, 37, 38, 39, & 40.

<sup>102</sup> Arts 28, 29, & 31.

<sup>103</sup> Arts 12, 13, 14, 15, 16, & 17.

Most importantly it recognises the principle of equal treatment and non discrimination as the cornerstone of human rights law.<sup>104</sup> This means that it prescribes gender sensitivity, which is our major issue of concern in this study. This does not however automatically translate that it provides adequate protection to the female child soldier in post-conflict situations. It also recognises parental responsibility and family reunification.<sup>105</sup> Liebig submits that the Convention protects children from rape and sexual violence. This is done by providing a blanket prohibition on sexual exploitation and abuse, which usually continues even after the war.<sup>106</sup>

Among other rights, the right to reintegration under article 39 is going to be given a sharper focus because it applies more to the context of this study.

### ***Article 39 of the CRC: Duty to rehabilitate and reintegrate***

Article 39 of the CRC reads as follows;

State parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of; any form of neglect, exploitation, or abuse; torture or any form of cruel, inhuman or degrading treatment or punishment: or armed conflicts. Such recovery and reintegration shall take place in the environment, which fosters the health, self-respect and dignity of the child.

This happens to be the only article that provides for this right. However it does not provide specific protection to female child soldiers, eventhough it contains other provisions that can be said to serve this purpose as described above.

It is worth noting that little attention is given to article 39 by some states in post-conflict. South African First report to the Committee on the rights of the child admits for instance the participation of child soldiers in armed conflicts, but makes no attempt to quantify the number of children involved nor indicate any programs that have been introduced to reintegrate them into the society, obtain education

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<sup>104</sup> Art 2.

<sup>105</sup> Arts 5 & 10 see also art 9.

<sup>106</sup> Liebig (n 31 above) 5.

or skill training.<sup>107</sup> If this is the situation related to reintegration of child soldiers in general, then it is worse when dealing with female child soldiers.

Furthermore, despite the overall influence and impact of the CRC on many legal and policy fields, the needs and rights of the female child soldier in international criminal accountability mechanisms are still underexposed. It is only the SCSL and the International Criminal Court (ICC) that became true pioneers in accountability of children's rights, even though not in terms of specific measures of protection of female child soldiers.

### ***Optional Protocol to the CRC on the sale of children, child prostitution and child pornography***

This Protocol offers further protection to female child soldiers than the CRC due to their illustration of the gendered understanding of children's rights.<sup>108</sup> It offers enough protection for girls who are affected by threats of prostitution, child pornography and sale of children recognising that girls are particularly vulnerable to sexual exploitation and advocates for social reintegration.<sup>109</sup> However, despite the fact that Uganda ratified this Protocol in 2001, girls are not effectively protected because the Protocol lays out offenses, which the perpetrators cannot be liable for. For instance, girls are excluded from the understanding of harmful practices.<sup>110</sup>

### **3.2.2 CEDAW<sup>111</sup> and the Women's Protocol<sup>112</sup>**

The question that arises is whether the provisions of CEDAW and the Women's Protocol do or do not provide adequate protection against the human rights abuses suffered by female child soldiers during reintegration. In my opinion, they do so in a derivative way.

CEDAW prides itself as the first international human rights instrument specifically aimed at addressing women and girls' rights. It is said to be the landmark instrument in 'defining the universal norms of

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<sup>107</sup> C Hamilton 'Implementing children's rights in a transitional society' in CJ Davel *children's rights in a transitional society*; proceedings of a conference hosted by the Center for Child Law in Pretoria (1999) 30.

<sup>108</sup> Art 1

<sup>109</sup> Art 10(2).

<sup>110</sup> As laid out in article 10.

<sup>111</sup> CEDAW Dec 18 1979(entered into force Sept 3 1981).

<sup>112</sup> Women's Protocol 11 July 2003(entered into force 2005).

gender equality' and 'a key pillar in international human rights law.'<sup>113</sup> The protection accorded by the Women's Protocol is geared towards an African perspective. A detailed reproduction of CEDAW or the Women's Protocol will not be made in this study, but it is necessary to note article 1 of CEDAW which defines discrimination and is essential to our discourse. Article 1 makes it clear that all discrimination is prohibited and that it is irrelevant where it occurs, that is whether it is done by a state actor, private individual or private organisation. It prohibits both direct and indirect discrimination and makes clear that there should be equality of opportunity and result so that formal pledges of equality may not in themselves be sufficient.<sup>114</sup>

This article is central to the perspective of CEDAW in the protection of female child soldiers' rights in reintegration processes where they are usually discriminated against. It is different to some extent from the definition given in the Women's Protocol which includes 'any differential treatment based on sex and whose objectives or effect compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life'.<sup>115</sup>

Concerning protection against harmful practices like FGM which is practiced in some communities as a process of reintegration. Rahman and Toubia in their work on this area say that FGM is at its essence a basic violation of girls' right to physical integrity.<sup>116</sup> Clearly, CEDAW does not have any specific provision against this vice. However In 1990, the CEDAW Committee released a General Recommendation pertaining specifically to FGM.<sup>117</sup> It recommended that governments devise health policies that take into account the needs of girls and adolescents who may be vulnerable to traditional practices such as FGM. Notwithstanding, this recommendation is soft law which is not binding to the state.

In contrast, the Women's Protocol expressly lists and prohibits FGM.<sup>118</sup> Kisaakye however argues that FGM falls within the terms of article 1 of CEDAW.<sup>119</sup> The point is taken further in the argument that

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<sup>113</sup> P Mhlanga 'Consolidating a New African Women Rights Agenda' in *The Gad Exchange: A Gender and development Newsletter for Southern Africa* (2001) Issue No. 26.

<sup>114</sup> F Banda *Women, law and human rights: An African perspective* (2005)72.

<sup>115</sup> Article 1(f) African Women's Protocol.

<sup>116</sup> A Rahman and N Toubia (eds) *Female Genital Mutilation. A guide to laws and policies worldwide* (1998)3.

<sup>117</sup> See General Recommendation No 14, Ninth session, of the CEDAW Committee 1990.

<sup>118</sup> Art 5.

State parties to CEDAW are under an obligation to take measures to abolish or modify existing laws and customs that discriminate against women and to modify social and cultural patterns to eliminate prejudices based on stereotyped roles for men and women.<sup>120</sup> In summary of this issue, it is obvious that notwithstanding the omission to specify FGM as a prohibited practice, CEDAW can be used as a tool for the protection of female child soldier's right against the practice.

Concerning the issue of forced marriages, CEDAW provides for the rights of girls to enter into marriage with their free and full consent. Child marriage is strictly prohibited.<sup>121</sup> This is also true of the Women's Protocol.<sup>122</sup>

CEDAW and the Women's Protocol are not very comprehensive in terms of protection of female child soldiers' rights during reintegration, but by the current practice of interpretation through the CEDAW Committee, it is safe to argue that CEDAW provides adequate protection of the rights of women in general. It will be more appropriate for CEDAW and the Women's Protocol to compliment each other so as to offer sufficient protection to female child soldiers during reintegration. Since Uganda is a party to CEDAW, there should be political will to translate the provisions into its domestic laws that are aimed at protecting the rights of the girl child. It should also ratify the Women's Protocol.

### **3.2.3 The ILO Convention No. 182 on the prohibition and Immediate Action for the Elimination of All Forms of Child Labour (1999)**

This convention defines child soldiering as the worst forms of child labor.<sup>123</sup> Meaning that sexual and domestic slavery that girls are often forced to during and after conflict is another form of slavery, which can be identified as child labour. Liebig concedes to this when she says:

While not explicitly stated in the Convention, including child soldiers in a definition of slavery may offer a method for the international community to link child soldiers to other forms of slavery such as the sexual and domestic slavery that girl child soldiers are often forced to.<sup>124</sup>

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<sup>119</sup> EM Kisaakye 'Women, culture and human rights: FGM, polygamy and bride price' in E Benedek et al (eds) *The human rights of women: International instruments and African experiences* (1999) 21.

<sup>120</sup> As above 275.

<sup>121</sup> Art 16(1)(b) and art 16(2).

<sup>122</sup> Art 6.

<sup>123</sup> Art 3.

<sup>124</sup> Liebig (n 31 above) 8

The implication of this is that when reintegration processes exclude girls who either resort to prostitution or go back to their combatant husbands who repeatedly beat and rape them, it is a form of child labour that has to be abolished. This can only be realised by including them in the reintegration process.

### **3.3 The AU**

The AU has paid increasing attention to the position of female child soldiers during reintegration, and has provided a lot of support to the promotion of the rights enshrined in the ACRWC. Murray argues that it has noted the need to promote the education of girls and their empowerment in terms of employment and gender equality.<sup>125</sup> The AU also recognises the impact of conflict on the rights of the child and the fact that it negatively impacts on the survival and development of the continent. This was highlighted in Resolution 1659 on the plight of African Children of armed conflict. This resolution calls on the release of child combatants and providing them with adequate education, training, rehabilitate and integrate them into civil societies.<sup>126</sup>

Furthermore, it calls on states to ratify the ACRWC and the ILO Convention 182 on the Elimination of all Forms of Discrimination of the Worst Forms of Child Labour.<sup>127</sup> Resolution 1163 on the African Child Survival and Development and Universal Immunization in Africa calls on states to provide sound health facilities and services, which include medical care, nutrition, education and other basic services.<sup>128</sup> The AU has been able to extend its protection through the African Charter and the ACRWC.

#### **3.3.1 The African Charter**

The African Charter recognises civil and political, and economic and social rights. The study will now proceed to discuss the rights enshrined in the African Charter which can be interpreted to imply reintegration of female child soldiers.

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<sup>125</sup> R Murray *Human rights in Africa: From OAU to AU* (2004) 148, see also Draft Resolutions CM/Draft/Res 1-30(LXIII) Rev1. Draft Resolution on the African Conference on Empowerment of women through functional literacy and education of the girl child.

<sup>126</sup> Paras 5-7.

<sup>127</sup> See decision on the report of the Secretary-general on the 24<sup>th</sup> session of the OAU Labor and Social Affairs Commission available at [http://www.chr.up.ac.za/hr\\_docs/african/docs/cm/cm35.doc](http://www.chr.up.ac.za/hr_docs/african/docs/cm/cm35.doc) (accessed 19 October 2006)

<sup>128</sup> Resolution 1163, para 9.

## ***The principle of non discrimination and equality***

This is recognised by the African Charter under Articles 2 and 3. Art 2 states that;

Every individual shall be entitled to the enjoyment of the rights and freedom recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic ground, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

This article does not specifically state non discrimination in relation to female child soldiers, but the word 'sex' can be implied to mean male or female. As seen earlier, the main problem facing female child soldiers during reintegration processes is discrimination because of their status (sex). Ougouergouz submits that, state parties to the African Charter have to ensure that there is no discrimination in any aspect of life and in the implementation of national laws, and that these laws should not themselves discriminate between those at which they are aimed.<sup>129</sup> If the African Charter is ratified and enforced, then the problem of discrimination during reintegration will definitely not exist.

## ***The Right to health***

This right is couched under article 16 of the African Charter. The state has the obligation to take necessary measures to protect the health of female child soldiers. Making sure that they receive medical attention.<sup>130</sup> However this can only be achieved with adequate resources. Is it possible then for a war-torn country to be able to meet this obligation? Especially since most health care infrastructures have been demolished by war? It must be noted that the enjoyment of some human rights are limited due to limited resources. Robertson argues that this right is more 'indicative' rather than 'binding' under the African Charter. Furthermore, that it can be qualified as a positive right which requires not simply the prohibition on some infringement of a pre-existing liberty, but the actual provision of goods, and services, and entitlements.<sup>131</sup>

Notwithstanding this pitfall, the African Commission on Human and Peoples' Rights (the African Commission) has interpreted the right as binding and not indicative. This was portrayed in *Free legal*

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<sup>129</sup> F Ougouergouz *The African Charter on Human and Peoples' Rights A comprehensible agenda for human dignity and sustainable development in Africa* (2003) 80.

<sup>130</sup> Article 16(2).

<sup>131</sup> R Robertson *A dictionary of Human Rights* (1997) 156.

*Assistance Group v Zaire*, where it was held that failure to provide adequate health was a violation of article 16.<sup>132</sup> If one relies on this decision it is possible to rightfully say that Uganda cannot claim lack of material or financial resources as *carte blanche* to abrogate its obligation to provide health care services to female child soldiers. All state parties irrespective of their economic resources therefore have an immediate duty to comply with core obligations like providing health care services. However, the African Commission took a different position in *Purohit and Moore v The Gambia*, where it acknowledged poverty as hindrance to the right to health and the role of resources.<sup>133</sup>

### ***Right to education***

This right is recognised by article 17 of the African Charter. However it is couched in such a way that it seems to weigh towards obliging the state to conduct educational, and cultural policies which respect morals and traditional values of the community. Despite this impression, Ougouergouz argues that the right of all to education could nevertheless be considered as implying at the very least a duty of the state to eliminate illiteracy.<sup>134</sup> Educational disadvantage of female child soldiers is therefore contrary to article 17 of the African Charter. Though the African Charter has limited protection to the girl child, it can be complemented with the Women's Protocol,<sup>135</sup> discussed above and the ACRWC which will be examined below.

### ***Other rights***

The African Charter recognises the family and its role as custodian of morals and traditional values in the society.<sup>136</sup> There is also a provision ensuring the right to development.<sup>137</sup> It is worth noting that the African Charter does not provide protection against 'sexual exploitation', which is a common phenomenon in Northern Uganda. However, this gap is filled in article 3(4) of the Women's Protocol.

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<sup>132</sup> Communications 25/89, para 47 56/9147/90.

<sup>133</sup> Communication 241/2001(2003).

<sup>134</sup> Ougouergouz (n 129 above) 190.

<sup>135</sup> Art 4 to 6

<sup>136</sup> Art 18(1) & 18(2), see also art 29.

<sup>137</sup> Art 22.

Proceeding on the premise that the African Charter contains provisions that can be applied for the protection of the rights of female child soldiers, even though not specifically directed at them, the study will now discuss the ACRWC.

### 3.3.2 The ACRWC

The ACRWC is said to be an attempt to instill some elements of 'African Characteristics' into the international standards created by the CRC.<sup>138</sup> It acts as a complementary mechanism to the CRC, which helps to enhance the rights of children in Africa. Even though the Charter has been criticised by Thompson for focusing more on the situation and position of children in the context of development rather than their rights,<sup>139</sup> it has gone a long way to protecting the rights of children in general and girls in particular affected by war in Africa. How it has achieved this will be substantiated below.

The following rights are enshrined in the Charter; right to education,<sup>140</sup> health,<sup>141</sup> against child labor,<sup>142</sup> protection from abuse and torture,<sup>143</sup> enjoyment of parental care and protection,<sup>144</sup> against harmful cultural and social practices,<sup>145</sup> sexual exploitation,<sup>146</sup> and handicapped children.<sup>147</sup>

The family is also recognised as the cornerstone in protecting children's rights in any situation. The ACRWC states that,

*The family shall be the natural unit and basis of society. It shall enjoy the protection and support of the state for its establishment and development.*<sup>148</sup>

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<sup>138</sup> B Thompson 'Africa's Charter on children's rights: A normative break with cultural traditionalism' *ICLQ* 41 432-45 (1992) quoted in Murray (n 125 above) 163.

<sup>139</sup> As above.

<sup>140</sup> Art 6.

<sup>141</sup> Art 14.

<sup>142</sup> Art 16.

<sup>143</sup> Arts 20(1) and 21.

<sup>144</sup> Art 36.

<sup>145</sup> Art 15.

<sup>146</sup> Arts 27-29.

<sup>147</sup> Art 43.

<sup>148</sup> Art 18(1), also see art 19.

Protection of these rights during reintegration will mean fulfillment of state obligations towards the female child soldier.

### **3.4 Enforcement problems**

It is clear that the CRC and other treaties discussed above are encoded with an impressive array of rules designed to protect children in general and female child soldiers in particular from human rights abuses. However, despite clear obligation imposed on state parties to ensure and respect the rights enshrined in them, only few states actually implement, let alone enforce them. Furthermore, the CRC for instance has no enforcement mechanism, it only deals with promotional activities. States can only rely on the enforcement provisions made available by the Convention itself which in my opinion are very weak. A Committee on the Rights of the Child supervises compliance to the Convention.<sup>149</sup> It is authorised to receive reports on measures that state parties are taking to implement provisions of the Convention.

However, the Committee's powers are limited to hearing communications from states and not affected individuals. This means that in case of breach of the CRC the Committee can only issue observations and general recommendations which are not binding to the state. Apart from this if Uganda is a party to the CRC, but does not implement and enforce the provisions enshrined in the treaty, it cannot provide adequate protection to the female child soldier.

Furthermore, CEDAW has an enforcement mechanism, both reporting and individual complaint procedure but it was only established in 2000 meaning that no cases have been decided yet. The African Charter on the other hand has the African Commission and the Court which is still being established. However, the economic realities of Africa prevent proper use of the Commission, and location of the Commission is also a problem.<sup>150</sup>

Notwithstanding the enforcement problems that emanate from the treaties themselves, enforcement and implementation can be done by governments who can provide adequate legislative and administrative measures to protect girl child soldiers from sexual exploitation, provide reproductive health care facilities and full economic, social and cultural rights so as to make effective reintegration a reality. As Hamilton rightly observed, ratification of child-specific treaties does not automatically

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<sup>149</sup> Created by art 43 of the CRC.

<sup>150</sup> Located in Banjul.

translate to an improvement on the status of children, lack of political will, failure to change social attitudes and lack of a legal enforcement mechanism means that the rights of children merely remain a dream.<sup>151</sup> It is on this note that the study goes further to examine national laws in Uganda.

### **3.5 National Laws in Uganda**

Uganda has made considerable efforts to create laws that protect the interest of girl child, eventhough not specifically the girl child soldier.

#### **3.5.1 The 1995 Constitution of Uganda**

The constitution has a glaring provision, which obliges every Uganda citizen to protect children against any form of abuse. It also provides that vulnerable persons should be protected against any form of harassment or ill treatment;

Children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral, or social development.<sup>152</sup>

#### **3.5.2 Other legislations and Plans**

There is the Children's Statute enacted in 1996, which offered a higher resource allocation to social services beneficial to children.<sup>153</sup> There is the Needs of Girls Act of 2004 addressing the issue of HIV and AIDS in relation to girls and women, including domestic violence, rape, economic equality, gender discrimination, sexual abuse and child marriages.<sup>154</sup> In this same light, there is the National Gender and National Plan of Action Acts of 2003 that serves the same purpose, but is geared towards protecting women and girls from discrimination. There is also the National Policy of the Elimination of child labor, the National Equal Opportunities policy, the Children's Act (cap 59) 2000.<sup>155</sup>

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<sup>151</sup> (n 107 above) 30.

<sup>152</sup> Art 34(4) of Uganda Constitution available at <http://www.government.go.ug/constitution/detail.php?myId=4>(accessed 19 September 2006).

<sup>153</sup> *Save the children Norway-Uganda, Country Program Report 1988-2001 and strategic Plan 2002-2005* 7 available at <http://www.law.northwestern.edu/journals/jjhr/v3/6/>(accessed 17 October 2006).

<sup>154</sup> H Marris 'Legislative watch' (2004) 1 *Human rights Brief* 39.

<sup>155</sup> Ministry of labor, gender and social development Uganda available at [http://www.mglsd.go.ug/policies\\_mslgd.htm](http://www.mglsd.go.ug/policies_mslgd.htm) (accessed 23 October 2006).

The government has also provided subsidised health care through a national health care program where boys and girls have equal access. However, health clinics do not have adequate resources to provide comprehensive care or treatment.<sup>156</sup>

Notwithstanding, reports from Save the Children Norway portray that these national laws have not effectively addressed the dilemma faced by female child soldiers who were affected by war. Furthermore, that eventhough there are laws that protect children from exploitation, there are no specific provisions relating to the girl child. The government has not effectively enforced the Children's Statute, which outlines broad protections for children.<sup>157</sup>

### 3.6 Moving beyond needs, towards rights

The rights in the treaties discussed above are universally applicable which means that male and female child soldiers have the same rights to enjoy all the components of reintegration. Mainstreaming rights-based approach into reintegration programs can therefore achieve effective reintegration of female child soldiers. A rights-based approach is defined as;

A conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse in equalities which lie at the heart of development problems, redress discriminatory practices and unjust distributions of power that impede development progress.<sup>158</sup>

This implies that rights-based approach integrates international human rights standards and principles in developing activities including the rights of female child soldiers against discrimination and other abuses. It also helps to strengthen arguments for the consistent implementation of rights enshrined in the treaties ratified.<sup>159</sup> Furthermore, this approach gives serious attention to children's rights under the CRC, it views children's rights as interdependent and indivisible and acknowledges equal rights to

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<sup>156</sup> *Country reports on human rights practices of Uganda 2005*, released by the Bureau of democracy, human rights and labor march 8 2006 available at <http://www.state.gov/g/drl/hrrpt/2005/61598>(accessed 29 September 2006).

<sup>157</sup> (n 153 above).

<sup>158</sup> *Child rights information network (CRIN) Rights-based programming resource page* available at <http://www.crin.org/hrbap> (accessed 21 October 2006).

<sup>159</sup> C Nyamu-Musembi & A Cornwall *what is rights based approach all about? Perspective from International Development Agencies*(2004) available at <http://www.ids.ac.uk/ids/bkshop/wp234.pdf>(accessed 22 October 2006)

male and female children. Moreso, it questions why donor's efforts do not reach some children and tries to examine the root causes of violation of children's rights.<sup>160</sup>

These points are very valuable because they portray the importance of implementing this approach in reintegration processes in the context of female child soldiers. All actors involved in the reintegration process need to take cognizant of and uphold the rights of the female child soldier to development, survival, participation, and protection. It is not enough to only be aware of the nature and content of these rights but also ensure their implementation. Consciousness of this approach can help them achieve the objective of effectively reintegrating them. However, like all approaches, this one can also provide challenges, which is the transition from needs-based approach to rights-based approach. Breaking the traditional conceptions in the understanding of reintegration which is already bedded in the society can pose a problem. Furthermore, lack of skills in dealing with gender-specific needs public policy analyses and lack of available resources can retard the realisation of this approach in the reintegration process.

### **3.7 Conclusion**

The above discourse has examined human rights instruments such as the African Charter, the ACRWC, the Women's Protocol, the CRC, the Protocol to the CRC, the ILO Convention 182, and CEDAW. The Constitution of Uganda, including legislations were also listed. Mention was also made of the AU because it plays an integral advocating for girls' rights in Africa. Some of these instruments have gender-specific aspects that are appropriate to this study. However, the question is whether they effectively protect the female child soldier in the reintegration process? To realise the protection of children's rights in post conflict, a lot of political will is required to ratify and implement treaties. This can be achieved by changing laws, policy and practice through legal enforcement of rights. Shortcomings on the part of the state towards its obligation to protect children are exacerbated by weak monitoring, implementation and enforcement mechanisms.

The fact that reintegration is not alluded to in the ACRWC or the African Charter does not mean that the drafters did not advocate for the reintegration of children in Africa. They also offer significant protection to child soldiers, and include provisions that protect the rights of the girl child. Despite this shortcoming, it has met with some of the objectives of article 38 and 39 of the CRC through some of its provisions that imply children's right to reintegration, including in the context of females. The rights-based approach was also examined which gives the government the responsibility to create broad

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<sup>160</sup> CIDA Action Plan on child protection: Promoting the rights of children who need special measures (2001) available

normative and institutional contexts for female child soldiers to enjoy their rights. It also helps NGOs, duty-bearers and other actors involved in the reintegration process to meet their obligations in this regard. The next chapter will furnish us with an analysis of factors that enhance effective reintegration, using rights-based approach as bases in designing reintegration programmes.

## CHAPTER FOUR: Comprehensive analysis of effective socio-economic reintegration of female child soldiers

### 4.1 Introduction

The UN Resolution 1325 on Women, Peace and Security recognised that achieving gender justice is central to social transformation as any other form of reparations after war. It also encourages all those involved in the planning for reintegration to consider the different needs of the female and male ex-combatants and to take into account the needs of their dependents.<sup>161</sup>

The last chapter gave us a discourse on the legal guarantee of the right to reintegration and the importance of the rights-based approach to reintegration. This chapter will analyse the role of potential actors that help to fulfill this right. Reintegration helps children to establish new foundations in life. This is particularly true for female child soldiers who experience humiliating circumstances during the conflict. As seen earlier, it is usually more complicated for female child soldiers who are faced with a lot of impediments to register or even recognised as needing to be reintegrated. Therefore human rights and gender-specific programmes have to be integrated into these processes so as to meet up with their needs. As emphasised by UN Resolution 1314 of August 2000, addressing the special needs and vulnerabilities of female child soldiers affected by armed conflict is imperative.<sup>162</sup>

Providing educational and vocational opportunities for girls will serve as a springboard for them to start anew. Nat submits that ex combatants must be ensured of social capital, informed networks with family, relatives, and community members.<sup>163</sup> This can only be achieved by key players such as the national government, international agencies, NGOs, the family, Truth and Reconciliation Commissions (TRCs), the Ugandan Human Rights Commission (UGHRC), International Courts like the ICC and SCSL and traditional healers.

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<sup>161</sup> UN Resolution 1325 on Women, peace, and security (adopted by the Security Council in (2000) para 13, see also arts 28(2) & 30 of Lome Peace Accord 1999, available at <http://www.sierra-leone.org/lomeaccord.html> (accessed 19 October 2006).

<sup>162</sup> Resolution 1314(August 2000) passed following the publication of a comprehensive report by Kofi Annan in July 2000 on the implementation of Resolution 1261.

<sup>163</sup> J N Colletta *Case studies of war-to-peace-transition* (1996) 47.

The components of reintegration include; family tracing, trauma counseling, skills and vocational training, education, group psychotherapy, community education, cleansing ceremonies, community capacity building and provision of financial and material support, which affects female child soldiers' developmental outcomes. According to Macksoud et al, developmental outcomes are effective predictors of adult functioning and valuable targets for interventions.<sup>164</sup>

## 4.2 Towards effective realisation of the right to reintegration

Theoretically speaking, access to education and family-and-community-support programs has been the key to successful reintegration. Reintegration processes do not only involve female child soldiers, but also the entire community which takes into account shifting social, political, economic and gender contexts as rightly put by Mckay and Mazurana.<sup>165</sup>

The needs of female child soldiers must therefore be couched within the child protection work at the community level. This is acknowledged by Reichenberg and Friedman.<sup>166</sup> The study will now proceed to examine the various roles of the key players mentioned.

### 4.2.1 The role of national government

Governments constitute the first destination for action concerning reintegration of female child soldiers. They have the most direct, formal, legal and political responsibility to ensure effective protection and provide relief for them. As stated by Sepulveda et al, ensuring the rights of children to health, nutrition, education, social, emotional and cognitive development is imperative for every country and entails obligations for every government.<sup>167</sup> UN Resolution 1612 of 2005 stresses the primary role of national governments in providing effective protection and relief to all children affected by armed conflict. In the same light, it was held in *X & Y v Netherlands* that the government must ensure that private persons do not interfere with the enjoyment of rights.<sup>168</sup>

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<sup>164</sup> A Macksoud et al Assessing the impact of war on children in RJ Apfel & B Simon (eds) *Minefield in the heart* (1996) 206-217.

<sup>165</sup> Machel (n 28 above) 12.

<sup>166</sup> D Reichenberg & S Friedman 'traumatised children: healing the invisible wounds of children in war rights approach-the contribution of UNICEF' in A Twum-Danso *The Limits of individualism: What constitutes an effective form of the reintegration and rehabilitation of child soldiers into society after civil War?* (1999-2000) 5.

<sup>167</sup> M Sepulveda et al *Human Rights reference handbook* (2004) 335.

<sup>168</sup> Resolution 1612(2005) Adopted by the Security Council at its 5235 th meeting on July 2005. See also Resolution 1645 which talks about reintegration in post-conflict. Also See *X & Y v Netherlands* 91 ECHR (1985) Series A.

The government is therefore obliged to pass appropriate legislative and administrative measures that will help in the implementation of the rights enlisted in the child-specific and gender-specific treaties ratified. Apart from this, there must be strong political will to commit to the reintegration process.

The main contribution to the reintegration process by the government in Sierra Leone for instance was the formulation of the National Committee on Disarmament, Demobilisation and Reintegration (NCDDR) which was strongly endorsed by the international community. It is true that to a great extent the rights of female child soldiers were considered, but not always met because they were excluded from many aspects of the programmes, registering them as 'dependants' and 'camp followers'.<sup>169</sup>

However, the government, UNICEF and child protection agencies jointly implemented the community-based reintegration program and established the Child Welfare Committees (CWC) and the Community Education Investment Program (CEIP). The main function of CWC included follow-up with the children in their homes and schools, providing advocacy and referrals in cases of sexual abuse and exploitation, and providing mediation between the child, family and community.<sup>170</sup> CEIP on the other hand was an innovative option launched by UNICEF in 2001. It provided supplies and targeted the entire community including female child soldiers. It also had a reputation of facilitating reintegration and minimising stigmatisation for female child soldiers.<sup>171</sup>

Uganda can therefore adopt the same method. Presently, existing reintegration programmes in Uganda are extremely limited because they are not well funded. However, there is the Government of Uganda's Amnesty Commission (GUAC) which provides reinsertion packages to returnees, but due to lack of funds, they have gaps in their services. This makes it impossible for them to plan special programmes for girls.<sup>172</sup> The Ugandan government can improve community-based reintegration programmes by negotiating with aid communities like the World Bank, International Monetary Fund (IMF) and the UN for economic support. South African Broadcasting Cooperation (SABC) reported recently that President Museveni is actively requesting the help of the World Bank to assist in the

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<sup>169</sup> Machel (n 28 above) 17.

<sup>170</sup> Interview with R Shaw, Child Protection Officer UNICEF Freetown April 2006.

<sup>171</sup> As above.

<sup>172</sup> *Uganda: Numerous challenges ahead for formally abducted children and adults* available at <http://www.refintl.org/content/article/detail/4689/?Mission=4314> (accessed 28 September 2006).

reintegration process.<sup>173</sup> When the funding is available it can design reintegration programmes that are gender-specific to favor female child soldiers.

The government of Uganda has also demonstrated a commitment to improving female child soldiers' education. The government's Universal Primary Education (UPE) program provides free education through the seventh grade. However, practically girls have equal access to education only in the lower grades. The proportion of girls in higher grades remain low because families traditionally favor boys when making educational decisions.

Furthermore, actors in the reintegration programmes prefer to provide educational opportunities only for boys. This disparity in schooling has negative implications for post-conflict recovery and leads to idleness. The government has however continued several programmes to promote a national plan for the education of girls such as the National Strategy for girls' education in Uganda.<sup>174</sup>

#### 4.2.2 The Role of the family

As stated by the Cape Town principles, family reunification is the principal factor in effective reintegration and in order for it to be successful, special attention must be paid to the emotional link between the child and the family prior to return.<sup>175</sup> The foundation for successful reintegration is therefore synonymous with family reunification and a productive involvement is community life.<sup>176</sup> Reichenberg and Friedman also concede to this point.<sup>177</sup>

The family therefore has to fulfill its obligation to provide food, clothing, medical expenses, healthy environment, education are all duty of support. Alternative care can only be provided if the families of the female child soldiers were not traced on time. Support obligation is however sometimes hampered by poverty. Clark in agreement to this asserts that the extent to which maintenance is required to be provided depends on the social status and financial position of the family.<sup>178</sup> It is for this reason that

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<sup>173</sup> SABC African News October 15 2006.

<sup>174</sup> *Report on education: The Government emergency plan aids relief* (March 2006) available at <http://www.state.gov/s/gac/progress/creports/64213.htm> (accessed 18 September 2006), see also <http://www.un.org/ecosocdev/geninfo/afrec/vol14no2/uganda.htm>.

<sup>175</sup> Cape Town principles, para 32(a).

<sup>176</sup> M McCallin *Community involvement in the social reintegration of child soldiers* (1998) 15 available at <http://www.savethechildren.org/publications/ChildSoldiersFieldGuide.pdf>(accessed 14 October 2006).

<sup>177</sup> (n 166 above)6.

<sup>178</sup> B Clark 'Children's right to support-a public responsibility?' in G Bradfield et al *Children's Rights* (1996) 84.

article 20 of the CRC requires the government to intervene in situations where the parents cannot provide support.

The limitation of the duty to support was seen in the South African case of *Ncubu v National Employers General Insurance Company Ltd.*, where it was stated that the obligation to provide support even in bare necessities fails if a parent is financially unable to provide support.<sup>179</sup> This was also the position in the United States Supreme Court case of *Mentz v Simpson* which held that the Court may consider the financial and social position of the parents, but the children's needs are the paramount consideration.<sup>180</sup>

Some families in Uganda are joyous when their daughters return from war because they had no hopes that they were still alive, others are afraid to welcome them due to the roles they played in the conflict.<sup>181</sup> Chitalic and Odel report that fathers in Uganda rejected their daughters for being tainted and not eligible for a respectable marriage. Without social or familial support in addition to their exclusion from reintegration activities, they have nowhere to turn for help.<sup>182</sup> In order to ameliorate this situation which was also common in Sierra Leone, parents can be sensitised as to their obligations as duty bearers as seen in the previous chapter. They have no reason to abrogate their duties whether the girl was a former child soldier or not.

### 4.2.3 TRC

The UN Secretary General recommended that TRC mechanisms should be available as alternative methods of rehabilitating and reintegrating child soldiers accused of crime. The TRC ACT passed by parliament on 12 May 2005 sought to give attention to the experiences of children in conflict and to implement special procedures to address the needs of child victims including child soldiers and perpetrators. The importance of TRCs was reemphasised in September 2006 by the Human Right

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<sup>179</sup> 1998(2) SA 190(N) as above.

<sup>180</sup> 1990(4) SA 455(A) (n 178 above).

<sup>181</sup> A Veale & A Stavrou *Violence, reconciliation and identity: The reintegration of LRA child abductees in Northern Uganda* available at <http://www.issafrica.org/pubs/Monographs/No92/Chap3.html> (accessed 24 October 2006)

<sup>182</sup> A Chitalic & M Odel *Children in armed conflict: How girl soldiers are punished by their past* available at <http://www.yapi.org/rpgirlsoldiers.pdf> (accessed 16 August 2006).

Council on their role to protect children affected by war.<sup>183</sup> It is therefore clear that, TRCs are important mechanisms for justice in times of national transition.

A TRC was established in Sierra Leone after an Act of Parliament in February 2000 to give everyone a chance to narrate what happened after the war.<sup>184</sup> It also involved male and female child soldiers who were involved in the war. In October 2004, TRC in Sierra Leone issued its final report, which had a child-friendly edition. In this report, female child soldiers gave their testimonies and expressed their concerns.<sup>185</sup>

This report is rich with critical recommendations pertaining to female child soldiers and fulfillment of their rights. Some of these recommendations among others include; abolishing practices of expelling pregnant girls from school, launching a campaign to end practice of customary law compelling victims of rape to marry the offender, urgent attention should be given to girls who did not benefit from the DDR and to help them recover, learn educational and vocational skills and receive health care and psychosocial support, communities should accept rape and sexual violence victims and their children back into the society, signing of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and national laws should be reformed to end discrimination against girls.<sup>186</sup>

Unfortunately, the mandate of the TRC lasted only for a year. In my opinion, it was not enough time to effectively fulfil its objectives. Notwithstanding, if the recommendations of the TRC are implemented, the situation of female child soldiers will improve.

There is no TRC in Uganda, but there exists a Commission of Inquiry into Violence of Human Rights (1986), which plays a similar role. However, the establishment of a TRC with the same aims as that of Sierra Leone will be appropriate now that a ceasefire has been declared. The Ugandan government can go further to include a section for female child soldiers, and not classify them under 'children' in general. Extending its mandate to last longer will also help it to achieve more.

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<sup>183</sup> *HRC discussions reports on children and armed conflict and on Liberia* September 2006 available at <http://www.unhcr.ch/hurricane.nsf/view01>(accessed 23 September 2006)

<sup>184</sup> TRC Sec 7 of Act No 4 of 2000 available at <http://www.sierra-leone.org/trcact2000.html>. 254(accessed 23 October 2006).

<sup>185</sup> Child-friendly version TRC report for the children in Sierra Leone (2004) 9-29.

<sup>186</sup> As above.

#### **4.2.4 Role of international organisations and NGOs to successful reintegration**

International agencies and local NGOs exercise their influence in the content of the CRC and other treaties that aim at protecting the rights of children in general and female child soldiers in particular. They also promote and monitor reports concerning reintegration of female child soldiers. A number of NGOs in Uganda which will be discussed below are making untiring efforts to provide custodial care and protection to former female child soldiers. However, their sincere commitments and efforts have gaps due to scarce resources, inadequate trained manpower, and lack of cooperation from government and other bodies. They also promote ratification and implementation of treaties and advocate for national law reforms and campaigns to sensitise the communities. The role of NGOs in fulfilling the right to development will be for instance to provide supportive services where female child soldiers can avail the same opportunities as boys and help in making education a meaningful experience. Kumar supports this view when he asserts that NGOs can lobby and advocate against the exploitation and abuse of female child soldiers in various forms.<sup>187</sup>

#### ***International organisations***

Newman and Schnabel submit that peacebuilding requires not only justice but is also support of resettlement and reintegration of ex combatants into civilian life. This can be fostered by international organisations.<sup>188</sup> The UN has been very successful in assisting transitional societies in terms of consolidating peace and development. This has been possible through international organisations that have been involved in advocating for the rights to reintegration, especially of female child soldiers. They include; UNICEF, United States Agency for International Development (USAID), International Community of the Red Cross (ICRC), Coalition to stop the use of child soldiers, World Health Organisation (WHO) and World Food Program (WFP). They all have common objectives; to trace families, fund local NGOs, provide educational and vocational training, provide distinct health facilities to girls, especially girl mothers, psychosocial needs, trauma counseling and human rights advocacy. Due to the scope of this study, the work of individual NGOs cannot be discussed. The study will only examine the role of UNICEF because it spreads a wider net in the protection of female child soldiers during reintegration.

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<sup>187</sup> A Kumar *Fundamentals of child rights: Concepts, issues, and challenges* vol.2 (2002) 466-467.

<sup>188</sup> E Newman & A Schnabel *Recovering from Conflict* (2002) 186.

## **UNICEF**

Brown and Thompson report that, with the exception of WFP in Northern Uganda, UN agencies are noticeably absent from conflict-ridden areas in Uganda. Even UNICEF has been slow to engage in the North. This implies that the needs in its traditional areas such as education, health care services, maternal care and child protection remain massive.<sup>189</sup> This is partly due to the fact that donors are reluctant to fund because they hold the government accountable for its role in failed negotiations with the LRA. So they have inadequate emergency budget.<sup>190</sup> However, UNICEF supports other reintegration programmes like the Gusco-Center in Gulu town, Youth Social Work Association (YSA), Kitgum's Concerned Women's Association and International Rescue Committee (now Child and Youth protection and Development) which works with child mothers and female child soldiers. Furthermore it now has a child protection officer in Gulu.<sup>191</sup>

In Sierra Leone UNICEF has a child protection programme, which focuses on providing protection and special care for the recovery and reintegration of female child soldiers. In Freetown there is an ongoing project running from 2004-2007 which focuses on effective community based reintegration interventions, rebuilding social welfare systems, enhancing national capacity to protect female child soldiers from violence, exploitation and other abuses. One of its ultimate mandates is to provide quality services for female child victims of violence, abuse, and social exploitation in Bombali, Koinadugu, Kono, Kailikun, Kenema and Pejehun districts.<sup>192</sup> By the end of 2005, 90 percent of children were successfully reintegrated with their families, including 1489 female children and female child soldiers who did not go through the DDR process. It also has a project called 'Girls Left Behind project,' which addressed some of the gaps in the reintegration process.<sup>193</sup>

The government of Uganda can therefore work in partnership with donor countries so as to provide adequate funding to UNICEF and other international agencies for them to meet up with their objectives to effectively reintegrate the female child soldiers.

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<sup>189</sup> M Brown & L Thompson *Uganda, with more than a million displaced and conflict continuing hopes fade for peace* (2005) available at <http://interaction.org/newswire/detail> (accessed 21 September 2006).

<sup>190</sup> As above.

<sup>191</sup> see [http://www.unicef.org/protection/Uganda\\_35637.html](http://www.unicef.org/protection/Uganda_35637.html)(accessed 15 September 2006)

<sup>192</sup> *UNICEF child protection program* available at [http://www.daco-  
org/encyclopedia/4\\_part/4\\_2/icef\\_child\\_protection.pdf](http://www.daco-<br/>org/encyclopedia/4_part/4_2/icef_child_protection.pdf) (accessed 20 September 2006).

<sup>193</sup> As above.

## **NGOs**

NGOs like World Vision Gulu (WVG), Community Services Department of the Gulu District Administration, Ugandan Community-based Association for Child Welfare (UCOBAC), Child Care Mission-Omega foundation, all support education for orphans and vulnerable children through provision of scholastic materials, tuition fee, and vocational training. They also offer a variety of practical knowledge and create conducive environment for learning both at school and at home especially for the girl child. Furthermore, they ensure that gender sensitivity is observed.<sup>194</sup>

However, there are no NGOs like the once in Sierra Leone which include among others; Forum For African Women Educationalists (FAWE), Sierra Leone Association for Women's Welfare (SLAWW), Women's Movement for Peace (WMP), Mothers Against Military Advancement in Sierra Leone (MAMAS) that have developed services to help female child soldiers in particular who were victims in the conflict. If such NGOs are established in Uganda they will provide services that are specific to female child soldiers.

Notwithstanding even the NGOs in Sierra Leone had gaps in their services due to financial constraints. They train these girls who still end up idle and resort to prostitution because there are no job opportunities. The government of Uganda can therefore avoid a repetition of this problem by providing financial assistance to NGOs with this kind of mandate. This will help improve the quality of counseling and training and employ expert psychiatrist and counselors trained to understand the special needs of female child soldiers. Jobs should also be made available or capital to start a business so that after the training they do not end up idle and resort to prostitution to fend for themselves.

### **4.2.5 The ICC<sup>195</sup>**

The Rome statute has helped in the understanding of the experiences of girl child soldier in international legal area,<sup>196</sup> and social biases after the conflict. It contains several articles that offer protection to girl child soldiers. It states for instance that rape, sexual slavery and other forms of

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<sup>194</sup> *Building a future for former child soldiers: Progress at a glance Uganda* available at <http://www.theirc.org/what/building-a-future-for-former-child-soldiers-programs-at-a-glance.html> (accessed 20 September 2006).

<sup>195</sup> The Rome Statute of the ICC July 17 1998(entered into force 1 July 2002).

<sup>196</sup> Liebig (n 31 above) 7-8.

violence perpetrated in non-international wars can be considered war crimes and prosecuted in the ICC.<sup>197</sup>

The ICC is also playing a very active role in restoring peace in Northern Uganda. It is referred to as the 'political tool' of the Ugandan State. Senior commanders of the LRA; Joseph Kony,<sup>198</sup> Vincent Ottio,<sup>199</sup> and Okot Odhiambo,<sup>200</sup> operating in Uganda have been charged for enlisting and conscripting children during the war.<sup>201</sup> In my opinion, this can help in the psychological recovery of female child soldiers during reintegration because these rebels were the main actors involved in all the human rights abuses they incurred. However it does not entirely do justice to the reintegration of female child soldiers. The Ugandan government still has a duty to enhance the protection of female child soldiers by working with the international community towards the establishment of specialised courts and criminal procedure systems. This is in bid to try all those responsible for violations even after the conflict. As seen earlier, these violations like sexual abuse and rape continue after the conflict. In this regard, the case of Sierra Leone and the SCSL will be very relevant for any procedure that Uganda adopts after the war.

#### 4.2.6 The SCSL

The SCSL was established in 2002 with a statute to prosecute 'those bearing the greatest responsibility' for acts of sexual violence as crimes against humanity and as a violation of the Geneva Conventions.<sup>202</sup> It plays a great role in the reintegration process in Sierra Leone. In 2004 for instance, it took a decision that sent an unequivocal message to all those who recruit child soldiers in the case of *Prosecutor v Sam Hinga Norman*. The Appeals chamber ruled that forcible recruitment of child soldiers constituted a crime under international law.<sup>203</sup> This decision was a landmark decision, which enhanced the reintegration process because children witnessed the prosecution of those who were major actors in their conscription. It served as a lesson for others who intend to repeat these actions

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<sup>197</sup> Art 8(2)(e)(vi).

<sup>198</sup> Warrant issued 8 July 2005 amended 27 September Case ICC-02/04-1/05-54.

<sup>199</sup> ICC-02/04-1/05-54.

<sup>200</sup> Warrant issued 8 July 2005.

<sup>201</sup> *Reparation for torture: survivors, victims, perpetrators, or heroes? Child soldiers before the ICC September 2006* 1 available at <http://www.redress.org/publications/childsoldiers.pdf> (accessed 30 September 2006).

<sup>202</sup> Arts 2(g) & 3(e).

<sup>203</sup> Case No SCSL-2003-14-AR72 (E).

and reduce abuse of children's rights. However it is not exactly relevant in the context of reintegrating female child soldiers. It would have been more appropriate to prosecute combatants who still rape and abuse female soldiers after the conflict.

Furthermore, the Court has an outreach program which helps to sensitise the community about the experiences of female child soldiers. By acknowledging these experiences the community and families are able to embrace them back into their lifes.<sup>204</sup>

### ***Controversies of the SCSL***

The SCSL has not been entirely successful in the reintegration of female child soldiers. It failed to protect article 27 of the ACRWC and article 34 of CRC which prohibit sexual exploitation.

The Statute directs the prosecutor of the SCSL to pay special attention to gender-based violence in investigations and staff hiring.<sup>205</sup> However, the reasoned opinion of Justice Thompson and Justice Itoe in the case of *Prosecutor V Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa*,<sup>206</sup> did not reflect the requirements of the Statute. The decision of 23 June 2005 excluded all considerations of serious allegations of systematic sexual violence by the perpetrators.<sup>207</sup>

Notwithstanding, Justice Boutet issued a separate dissenting opinion. He noted that, victims of sexual violence have the right to have crimes that are committed against them prosecuted with all due respect to the rule of law.<sup>208</sup> Cohen observed after the case that;

The Special Court has lost an important opportunity to clarify for Sierra Leoneans the nature and scope of sexual violence unleashed in the conflict and the role of those who bear 'the greatest responsibility' for its perpetration, and create accountability of such crimes.<sup>209</sup>

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<sup>204</sup> Briefing with B Mansaray Outreach Coordinator SCSL Freetown April 2006.

<sup>205</sup> Art 15(4).

<sup>206</sup> SCSL-2004-14-T, 24 February 2004.

<sup>207</sup> Information from discussions with Justice Itoe of SCSL Freetown April 2006.

<sup>208</sup> Dissenting opinion of Judge Boutet on the decision on prosecution request for leave to amend the indictment, 31 May 2004, para 18.

<sup>209</sup> D Cohen, U.C. *Berkeley war crimes studies center weekly report* [http://socrates.berkeley.edu/~warcrime/Silencing\\_Sexual\\_Violence.pdf](http://socrates.berkeley.edu/~warcrime/Silencing_Sexual_Violence.pdf) (accessed 16 September 2006).

A point to note therefore is that, if Uganda is adopting such a procedure, precautions should be taken in addressing the issues related to female child soldiers. It is obvious that sexual violence, rape and other human rights abuses are common in IDP camps in Northern Uganda. Measures should therefore be taken to hold the perpetrators accountable for these crimes.

#### **4.2.7 The UGHRC**

In Uganda, apart from other legal systems that are involved in protecting the interest of female child soldiers, there is also the Ugandan Human Rights Commission (UGHRC). This Commission has a strong visibility in the human rights protection of women and children in Uganda. It deals with issues such as right to education, child support, domestic violence and sexual harassment. Despite the protection offered by this Commission, complaints from women are extremely low. Furthermore, it deals only with key women's rights, and not female child soldiers' rights. It has no specific mandate to punish perpetrators of violence, assault and battery meaning that there are limits to its protection.<sup>210</sup> However if the mandate has to be extended to punishing these crimes, it may amount to usurping the functions of the court of law.

A more appropriate step will therefore be to expand the mandate of this Commission to include complaints of female child soldiers, or at best be given powers to prosecute.

#### **4.2.8 Traditional ceremonies to *rehumanise* former child soldiers**

Traditional ceremonies play a major role in reintegration because they highlight the re-formation of bonds between the female child soldier and her community. They help to overcome her feelings of guilt and the community's fear, mistrust and disgust.<sup>211</sup>

In Sierra Leone for instance ethnic groups such as the *Mendes*, *Temnes* and *limbas* resorted to 'secret rituals' to cleanse or purify former child soldiers. It is however reported that there were few healing or cleansing rituals to further reintegration of female child soldiers,<sup>212</sup> This method is also

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<sup>210</sup> S Forti challenges in the implementation of women's rights: Field perspective conference paper; the winners and losers from rights-based approach to development February 2005 19 available at <http://sed.manchester.ac.uk/idpm/research/events/feb2005/dosc/forti.docs> (accessed 17 October 2006).

<sup>211</sup> Reis (n 24above) 9.

<sup>212</sup> D Mazurana & K Carlson *From combat to community: Women and girls in Sierra Leone* (2004) available at [http://www.smallarmssurvey.org/files/portal/spotlight/disarmament/disarm\\_pdf/2004\\_Mazurana\\_Carlson.pdf](http://www.smallarmssurvey.org/files/portal/spotlight/disarmament/disarm_pdf/2004_Mazurana_Carlson.pdf) (accessed 23 August 2006).

embraced in Uganda where ritual cleansing ceremonies are used to accept girls back into their communities.<sup>213</sup> A goat or chicken is slaughtered by a traditional healer or *Adjwaka* and eaten by the family. Other rituals include breaking egg underfoot and stepping over a log on the footpath leading to the house. These ceremonies are noted to have marked impact on the outlook of female child soldiers because it helps them to reconcile with their parents and realise that their actions have been forgiven.<sup>214</sup>

It is worth noting that there are some harmful rituals like FGM performed by some tribes on former female child soldiers which is contrary to article 21 of the ACRWC. A girl in Freetown reported that when she was finally reunited with her family, this method of reintegration was prescribed for her because she had married three combatants during the war. According to the local healers, it will help to purify her body from all the *bad sperms*.<sup>215</sup> I vehemently submit that, if this is the only means available to cleanse a girl child, in the name of 'cleansing ritual', then it is better for the child to remain a '*rebel*' as they often called them.

Shepler serves this method of reintegration with a pinch of salt. According to her, one must be skeptical about local solutions because in Africa, they seem to favor solutions 'cast in the rhetoric of tradition and magic.'<sup>216</sup>

It is therefore clear that traditional ceremonies can enhance effective reintegration of female child soldiers when they are not discriminatory. They will also be more effective when they do not involve harmful traditional practices which will instead result to abusing their rights instead of the cleansing it is aimed to achieve.

### **4.3 Impediments to successful reintegration**

Despite the efforts made by all the actors discussed above, they encounter a series of challenges for several reasons, which will be highlighted below,

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<sup>213</sup> AC Finnegan *A memorable process in a forgotten war: Forgiveness within Northern Uganda*(2005)Mald thesis available at <http://fletcher.tufts.edu/research/2005/Finnegan.pdf>(accessed 24 October 2006)

<sup>214</sup> Bennet et al (n 22 above) 59.

<sup>215</sup> Testimony of X, 16 former female child soldier, Freetown April 2006.

<sup>216</sup> SA Shepler *Conflicted childhood: Fighting over child soldiers in Sierra Leone* (2005) 145.

Social workers on the ground for instance find it difficult to involve girls in the reintegration process due to their relationships with the commanders. It was reported by Caritas Makeni in the North of Sierra Leone, that commanders brainwashed their 'wives' into remaining with them by telling them that they will be stigmatised and rejected once they accepted to go back to their communities because they have a '*rebel pikin*' (rebel child). This usually ended up devastating the girls because when the commanders no longer had income to support themselves and the girls, they abandoned them. The former wife of the commander was then left traumatised with no skills and no money to sustain herself and her baby.<sup>217</sup>

Furthermore, all through the reintegration programs in Sierra Leone, no female military observer was deployed in the field, which represented a lost opportunity to gain a female perspective on the procedures and practices.

Moreover, the DDR program was designed and conducted with emphasis on the collection of weapons. So most girls were disqualified because they had no weapons.<sup>218</sup>

Another point to note is that girls are usually ashamed to identify themselves as former fighters due to the repercussions of such admission. Some parents even dissuade them from entering reintegration programs in order to avoid feelings of shame in the neighborhood.

Some authors noted that, the treatment of female combatants by the military institution reflects the subordinate position of women and girls in society generally, and despite the knowledge of this during the reintegration program in Sierra Leone, nothing was done to address it.<sup>219</sup>

Furthermore, some girls took the option of going back to their *bush husbands* after they had been successfully reunified with their families. They submitted that even though their *bush husbands* had no love to offer, they had comfort and a sense of security. Others felt they could not return to their communities after the war because people had vowed vengeance on them. To them, the fact that they survived the war meant that they had become committed members of the RUF.<sup>220</sup>

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<sup>217</sup> Caritas Sierra Leone available at [http://www.cafod.org.uk/where\\_we\\_work/africa/sierra\\_leone](http://www.cafod.org.uk/where_we_work/africa/sierra_leone) (accessed 28 September 2006).

<sup>218</sup> D Hoffman 'Violent events as narrative bloc: The disarmament at BO, Sierra Leone' (2005) *Anthropology Quarterly* 78(2) 329-354.

<sup>219</sup> J Gardam & H Charlesworth 'Protection of women in armed conflict' (2000) *Human rights Quarterly* 22(1) 148-166.

<sup>220</sup> P Richards 'Green book millenarians? The Sierra Leone war within the perspective of an anthropology of religion' in N Kastfelt(ed) *Religion and African Civil wars* (2005) 135.

All these reasons hampered the successful reintegration of female child soldiers in Sierra Leone. These challenges are similar to the ones in Northern Uganda.<sup>221</sup> In light of these obstacles, it is imperative to seek new ways of making it more successful like applying the rights-based approach.

#### **4.3.1 Needs V rights: A new approach?**

The former UN High Commissioner for Human Rights (UNHCHR), Mary Robinson urged the international community to embrace a human rights-based approach to ensure the well being of children and reiterated that the central role of the CRC in this regard.<sup>222</sup>

Integrating the rights based approach can therefore be an option that can be embraced by the actors involved in reintegration of female child soldiers in Uganda for all the reasons given in chapter three. It is true that it has its own challenges, but conscious of these challenges the needs-based approach and the rights-based approach can compliment each other so as to deal with the reintegration process more appropriately.

Furthermore, apart from adopting the rights-based approach, the whole issue of reintegrating female child soldiers needs to be seen within a more holistic lens. It is no good just having reintegration projects and thinking the job is done. Ideally there should be specific components within national development strategies to address the issue. In terms of female child soldiers I would say that this requires again a cross cutting approach. The study is suggesting that wider issues of impoverishment and marginalisation also need to be addressed as well as strategies to help traumatised female child soldiers to overcome their feelings of guilt and shame. This also makes the case for more effective post-conflict reconstruction. If female child soldiers return to impoverished communities with recent bad memories of conflict they will not necessarily receive a warm reception. The government of Uganda could therefore do its best to improve the livelihoods of those who are supposed to embrace these girls in their return. This could be very ambitious due to the damage caused by the war, however it is still worth considering.

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<sup>221</sup> S Chitalic & M Odel (n 182 above) 16 also see Twum-Dansu (n 9 above).

<sup>222</sup> General Assembly 27 th session *UNHCHR calls for human rights approach to ensure well being of children* (9 April 2002) available at <http://www.un.org/news/press/docs/2002/10020.doc.html> (accessed 23 September 2006).

Furthermore Wurst argues that, the roles played by female child soldiers in the conflict helps them acquire leadership qualities, egos and knowledge.<sup>223</sup> This can be used positively to make them productive community participants.

Moreso, the reintegration process whilst being gender specific must also target the males in the returning community. A point to note is that, this should not be done with the aim of discriminating against the female child soldiers. My opinion is that gender cannot effectively be addressed without male engagement. Otherwise the males, who tend to dominate will feel marginalised and threatened. Thus the whole process of reintegration could be counter productive. As with so many situations where all round understanding is essential. The Oxford English dictionary says; '*reintegration is about to reinstate oneself*'.<sup>224</sup> Therefore, female child soldiers themselves also have to change their behavior so that the potency of the reintegration process can be recognised.

#### 4.4 Conclusion

From the above discussion, it is clear that in order to protect the rights of the female child soldier to reintegration, several actors come into play. Key actors include; international and national organisations, the government, the family, the TRC, International Courts, the UGHRC and traditional healers. This discourse also portrayed that they have made efforts to incorporate gender-specific programs into their agendas. Notwithstanding, despite their untiring efforts there are gaps in their services they lack sufficient and material resources to satisfy the needs of female child soldiers.

What hampers effective reintegration of female child soldiers mostly is the discriminatory nature of the reintegration programmes. Apart from these, there are other issues which emanates from the girls themselves. It was finally suggested that Uganda which is still laying a foundation for its reintegration programmes should adopt the rights-based approach which will help the actors integrate human rights standards and principles in its activities, including prohibition of sex discrimination. However, they should be conscious of the challenges involved. This will help improve the situation of female child soldiers in Northern Uganda. The discourse also portrayed that there are best practices Uganda can also learn from Sierra Leone like the establishment of a TRC to help in the transitional period.

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<sup>223</sup> J Wurst *Returning girl soldiers required unprecedented help, authors say: UN wire* available at <http://www.unwire.org/news>(accessed 23 October 2006).

<sup>224</sup> English Oxford dictionary (2006).

However, after this discussion the answer to the question whether effective reintegration of female child soldiers is a reality or rhetoric still remains a mystery. It will be more glaring in the next and last chapter.

## **CHAPTER FIVE: Conclusion and recommendations**

### **5.1 Introduction**

This study was aimed at investigating whether the effective reintegration of female child soldiers in Northern Uganda is a reality or rhetoric. In the process of inquiring, the study had to look at the reintegration process from various angles, involving several actors. It was discovered that the impact of the war and female child soldiers' experiences during the conflict affects them during the reintegration process. The study also portrayed that many reintegration processes do not apply the rights-based approach to reintegration. If they did, then female child soldiers will not be stigmatised or some of their rights ignored. International treaties that have child-specific rights were therefore discussed to highlight the rights that duty bearers consciously or unconsciously ignore.

The study also showed that failure to integrate is also caused by the girls themselves and the communities they come from. It was finally suggested that the rights-based approach will be the best approach to adopt to make effective reintegration of female child soldiers a reality. This chapter will therefore give a summary of the conclusions from previous chapters, give recommendations and finally conclude with an answer to the research question.

### **5.2 Summary and conclusion**

Chapter two began by giving a brief background of the war in Northern Uganda and Sierra Leone. It went further to highlight the situation of female child soldiers who are seldom viewed contextually or comprehensively within the realm of armed conflict. They are perceived more as victims of sexual violence and not as 'real soldiers' which impacts on their eligibility to be reintegrated. The study went further to highlight the reasons advanced for their recruitment, roles played in the conflict, experiences and impact. In conclusion, there was an acknowledgement that girls face the same fate as boys during conflict, but that there are distinctions in emphasis. It made it obvious that female child soldiers remain disadvantaged in peace and wartime.

Chapter three discussed the legal guarantee to the right to reintegration of female child soldiers. It focused on human rights instruments such as the African Charter, ACRWC, CRC and its Protocol, and CEDAW and Women's Protocol that guarantee protection to the right to reintegration. Mention was also made of the AU, which is the father of the African human rights regional systems. The chapter

laid emphasis on article 39 of the CRC, which is the only article that provides for the right to reintegration, including other legal framework that implies reintegration.

More so it portrayed that the CRC has an innovative feature under article 39 and goes beyond mere moral responsibilities and political pledges to establish legal rights of children. During the discussion of the various instruments, it was noticed that they all have gender-specific provisions even by implication. The African Charter was recommended to operate together with the Women's protocol and the ACRWC so as to achieve effective protection.

The Chapter concluded that it is imperative to consider the rights of children in general and girls' rights in particular during reintegration. This is because they are not in the position to assert them through legal channels, and that non discrimination and best interest of the child should always be of paramount consideration. The chapter ended by introducing the rights-based approach as a new approach for effective reintegration,

Chapter four enumerated the components of reintegration, which include; family reunification, education, skills training, community education and trauma counseling. It also gave a comprehensive analysis of factors that promote successful reintegration. Mention was made of key factors such as the family, NGOs, international organisations, ICC, SCSL, TRC, national governments, and traditional healers. It also highlighted the challenges that impede a successful reintegration. This chapter portrayed that the special needs of female child soldiers are mostly put at the back seat. Some of these key actors had very sophisticated reintegration programmes, which were unfortunately sometimes discriminatory. It was concluded that successful long-term reintegration of female child soldiers can only be possible if all these actors consider the gender dimensions of the process. This is due to the fact that, their actual situations, prospects and societal roles are significantly different from that of male soldiers. The rights-based approach was proposed as better means to overcome the challenges of reintegrating female child soldiers.

After looking at the above findings from the various chapters. It will be of import to proceed with general recommendations.

## 5.3 Recommendations

### 5.3.1 To the AU

The African Charter, and the ACRWC, which were created under the auspices of the OAU, have gone a long way to protect the rights of people and children in Africa. However, since their creation, the level of human rights violations have increased and therefore there is need for the OAU to consider amending the African Charter and the ACRWC to suit the present situation. They both contain provisions that imply reintegration of children in post-conflict as mentioned in chapter three. However, they do not have any legal framework for reintegration and gender-specific provisions. The African Charter for instance has no provision that states the right to education of the girl child.

Wars in Africa have become inevitable and it is becoming more and more difficult to maintain sustainable peace. Furthermore, the abduction of children, including girls has become a common phenomenon. Incorporating a provision that promotes the right to reintegration of female child soldiers and other victims will be a good transformation. I therefore submit that the African Charter is in need of reform as has already been highlighted by Heyns.<sup>225</sup>

### 5.3.2 Need for a TRC in Uganda

The ICC is playing an important role in the establishment of peace in Northern Uganda, however, a TRC will foster lasting peace especially now that the government is in the process of negotiating to end the war in a peaceful way. Nyago agrees with this when he submits that there is need to institute a formal and competent TRC through an Act of parliament. He says this would fundamentally strengthen the measures already taken.<sup>226</sup> A TRC will help to seek the truth surrounding the conflict as a means to foster reconciliation and healing. TRCs have worked in South Africa and Sierra Leone, it will definitely work in Uganda.

### 5.3.3 To the UGHRC

This Commission deals with key women's rights in Uganda. Unfortunately it has no mandate that includes complaints from female child soldiers. This study suggests that it should implement its

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<sup>225</sup> CH Heyns 'The African regional human rights system: In need of reform?' *African human Rights law Journal vol. 1 No 2* (2001) 155-174.

<sup>226</sup> K Nyago *Establishment of a TRC in Uganda* September 23 2006 available at <http://www.allafrica.com/stories/2006> (accessed 16 October 2006).

mandate in more challenging context by extending its mandate to include complaints lodged by female child soldiers. The government can also establish a law that gives it power to prosecute perpetrators of rape, violence, assault and battery.

#### **5.3.4 To the judiciary**

An effective legal system grounded on laws that are consistent with international human rights norms and standards can contribute to sustainable peace even after conflict. This can be achieved by the judiciary. The Judiciary in Uganda should expedite actions for cases of rape of female child soldiers who are waiting to be reintegrated. In deciding such cases, they should take into consideration the dignity of the female child soldiers and their special needs. Special courts can also be set up for purposes of speedy trials. Furthermore, compensations should be imposed to perpetrators of rape taking into account the effect of the alleged rape to her economic, social and cultural life.<sup>227</sup> Moreso, members of the judiciary can be trained on how to handle these particular offences.

#### **5.3.5 Alleviate the situation of street children**

Many child mothers abandon their children which has increased the number of street children in Kampala, other street children are female child soldiers who were excluded from the reintegration process, while others are those who finished skills training and had no job to support themselves.<sup>228</sup> Adequate measures should therefore be taken to alleviate the plight of street children among, which are girls who do prostitution for survival. The government can hold parliamentary meetings to address this issue provide jobs or finance their skills training. Lessons can be drawn from the Inter-American case of *Villagran Morales et al v Guatemala* where it was held that;

In relation to street children, the right to life includes not only the right of every human being not to be deprived of his life arbitrarily, but also the right that he will not be prevented from having access to the conditions that guarantee a dignified existence.’ Relying on this decision, consideration should be made to female child soldiers were excluded from reintegration and rejected by their families and ended up as prostitutes in the streets.<sup>229</sup>

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<sup>227</sup> See R Scheler *Soldier verdict spotlight rape in Ugandan camps* (May 29 2006) available at <http://www.womensnews.org/article> (accessed 21September 2006).

<sup>228</sup> A Chitalic & M Odel (n 182 above) 3.

<sup>229</sup> IACHR (sec.) No.77 (2001).

### 5.3.6 Adopt a rights-based approach to reintegration

The rights-based approach that is still evolving was developed alongside international acceptance of the duty of non-state actors to intervene to protect civilians in times of war. The right to reintegration has always existed, but it has not been put effectively into practice especially in the context of female child soldiers. The UN underscored the importance of this approach and recommended that further steps should be taken to increase system-wide coordination and cooperation for the promotion and protection of the rights of the child.<sup>230</sup>

Uganda can implement this approach in its reintegration programs. This can be done by recognising the complex needs of female child soldiers who are also committed to an outcome rooted in the CRC, and all other treaties that seek to protect their interest. By ratifying these instruments, the government becomes committed to protecting and ensuring their rights as stated by article 4 of the CRC. However, ratification is not enough, practical steps must be taken such as underscoring the importance of medical, education, psychosocial and other services available to the female child soldier. These steps include determining whether the economic and social policies and programs are consistent with human rights principles. This will help emphasise the fact that realising rights is the best way to ensure improvement in the reintegration process.

### 5.3.7 Parental responsibility

Murray asserts that, 'the welfare of the African child is inextricably bound up with that of his parents and other members of the family especially the mother'.<sup>231</sup> Relying on this and article 5 and 18 of the CRC, it is imperative that parents fulfill their obligations towards returned children. If the female child soldier comes back with a baby, it is the responsibility of the mother to assist her to bring the baby up. They have to acknowledge that girl mothers need a longer reintegration period and parental rejection only aggravates the situation. As rightly stated by Jareg, 'families must accept and adjust to their daughters returning with babies'.<sup>232</sup>

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<sup>230</sup> UNCHR 55<sup>th</sup> session, Resolution on the Rights of the Child, sponsored by the group of the Latin American and the Caribbean States and the EU, April 1999 available at <http://www.eurunion.org/legislat/Deathpenalty/UN/ResRtsChild.htm> (accessed 18 October 2006).

<sup>231</sup> Murray (n 125 above) 182-83.

<sup>232</sup> E Jareg (2005) *Crossing the bridges and negotiating rivers: Rehabilitation and reintegration of children associated with armed forces* available at <http://www.childsoldiers.org/resources/psychosocial> (accessed 19 October 2006).

### **5.3.8 Promote the right to education of the girl child**

Girls' education is considered as one of the most determinants of public health and infant mortality especially in post-conflict situations.<sup>233</sup> If the education of female child soldiers are guaranteed during reintegration without discrimination, it will help empower them and give them hope for the future. It will also help to build a personality they had lost during the war, and improve their mental and physical abilities. Furthermore it will enlighten them about their legal rights and so help protect themselves against exploiters. Therefore the Ugandan government should do all it can to ensure equal education for female child soldiers during reintegration.

### **5.3.9 Improve situation of female child soldiers in IDP camps**

The camps in Northern Uganda are overcrowded and filled with poverty, disease and malnutrition.<sup>234</sup> Human rights groups report that this situation has lasted and female child soldiers frequently trade sex with soldiers in exchange for money or protection.<sup>235</sup> This situation can be ameliorated by opening more camps with enforced security and provide their basic needs while they are waiting to be reintegrated.

### **5.3.10 Incorporate best practices**

It was requested by the Security Council Resolution of 2004 that there should be an update on the incorporation of best practices for DDR programs.<sup>236</sup>

In cognizance to this, best practices from other post-war countries that have had successful reintegration programs like Sierra Leone can be applied. Eventhough the reintegration programs in Sierra Leone have been criticised by some authors who say most postwar projects targeting girls were designed in ad hoc manner. Coulter however submits that despite the fact that these projects could not be classified as long-term assessments, majority of female child soldiers benefited from them. It helped them to be less idle, less aggressive and felt less isolated in the communities. They also felt

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<sup>233</sup> Liebig (n 31 above) 7.

<sup>234</sup> S Lateef 'Structural adjustments in Uganda: The initial experience' in HB Hense & M Twaddle (1991) *changing Uganda* 32.

<sup>235</sup> (n 211 above).

<sup>236</sup> Security Council Resolution 1539(2004) para 15 (c) Also see Report of the Secretary General on Promotion and protection of Children's rights. General Assembly 59th session 2005.

proud and expressed content with their present situation.<sup>237</sup> Uganda can therefore extract good examples from them and fill the gaps.

### 5.3.11 Encourage recreational activities for female child soldiers

The Cape Town principles advocate for recreational activities for children affected by war.<sup>238</sup> These will help to occupy the female child soldier and help her regain self-confidence. It will also help to facilitate the reconciliation process with herself and those around her. Uganda already has a comprehensive sports programme known as 'girls kick it' or *Anyira Gweyo* which was launched in April 12 2006, for women and girls in the Gulu district of Northern Uganda. It is meant to help them cope with challenges of living in IDP camps and other war-affected areas in Northern Uganda.<sup>239</sup> More of such recreation activities should be established for female child soldiers and not only girls in general.

## 5.4 Conclusion

After the above discussion, the inner layers of the onions can now be seen. The answer to the research question is more glaring. Having gone through various angles of the study and considering valid debates by authors, it is safe to conclude that the reintegration of female child soldiers is a moral imperative that has not been met in Northern Uganda. It is therefore still *rhetoric*. The role of the female child soldiers is hardly acknowledged from the onset of peace negotiations and their rights are not identified as explicit priority in reintegration plans. If a dichotomy were not put between male and female child soldiers, maybe effective reintegration would have been possible. Unfortunately, female child soldiers are always considered as sex tools or victims of sexual violence while boys are seen as 'child soldiers.'

Effective reintegration of female child soldiers will only be a reality if the issue of gender in reintegration processes is not seen as a luxury. All initiatives should be much more gender-oriented, non discriminatory and designed to meet their specific needs. In a nutshell I believe that the study actually portrays that many reintegration processes do not apply the rights-based approach to

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<sup>237</sup> C Coulter *The post war moment: Female fighters in Sierra Leone* Department of Cultural Anthropology (2005) 16 available at <http://migration.wits.ac.za/CoulterWP.pdf> (accessed 13 October 2006).

<sup>238</sup> Para 38(a).

<sup>239</sup> *Girls kick it* (2006): available at <http://www.girlskickit.org> (accessed October 16 2006).

reintegration. If they did, then female child soldiers will not be stigmatised or some of their rights ignored.

To put icing on the cake therefore, a rights-based approach to reintegration will be the ultimate solution to making effective reintegration of female child soldiers in Northern Uganda a reality.

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## ANNEXTURE A



### **STATEMENT BY MS. RADHIKA COOMARASWAMY, SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR CHILDREN AND ARMED CONFLICT**

*The following is a transcript of remarks by Ms. Coomaraswamy to a press conference, organised by UNICEF on 10 June 2006 in Kampala, upon the conclusion of her visit to Uganda:*

"Let me begin by thanking the Government of Uganda for inviting me to come to Uganda and for making all the arrangements to make it a successful visit.

"May I also thank UNICEF and other UN agencies on the ground for planning my itinerary and allowing me the opportunity to visit Gulu and Pader where I met with local officials, local military officials, as well as NGOs and UN agencies -- but perhaps most importantly, with people affected by the armed conflict especially children.

"Thereafter, I came to Kampala where I had meetings at the highest level. We met with His Excellency the President, the Prime Minister, the Minister of Defence, the Minister of Foreign Affairs, as well as the Minister of Gender, Labour and Social Development. I felt that the Government of Uganda saw this as an important visit that required support and reaction.

"Having spent time in Gulu and Pader, I saw for myself the issues that relate primarily to children in armed conflict.

"But of course, I came here because of Security Council Resolution 1612. Security Council Resolution 1612 first sets up a monitoring and reporting mechanism to monitor grave violations against children during times of armed conflict. [Resolution 1612] also has Annexes listing parties whom it is felt especially recruit child soldiers and commit other grave violations. Security Council Resolution 1612-Annex 2, which addresses countries not on the Security Council agenda, lists both the Lord's Resistance Army and the Government of Uganda especially with regard to child recruitment. I came to see for myself what the situation is on the ground and to see what can be done to deal with the situation.

"My findings are that there is no doubt that the LRA's recruitment and use of children, as well as other abuses, is perhaps the worst possible violation with regard to children and armed conflict in Uganda. We as an office condemn these worst violations and we will assist the ICC [International Criminal Court] in dealing with these issues.

"With regard to the Government of Uganda, we found that there is no conscious policy, programme or project to specifically recruit children. The Government of Uganda reassured us that no such policy exists and we could not find any such policy on the ground. However, we found that in Gulu and Pader, due to the situation there, children are being absorbed into

the LDUs [Local Defense Units] especially, as well as the UPDF [Uganda People's Defence Forces]. This is due to a number of factors, but there is this reality of children being in the LDUs and the UPDF.

"We have negotiated with the Government of Uganda -- I just met with the President at one o'clock today -- and we have agreed on the following four principles to deal with the specific issue relating to child combatants -- or child soldiers -- who may be in the LDU and UPDF forces:

"Firstly, the Government and UNICEF will work out an Action Plan for the prevention, removal and reintegration of any child soldier found in the LDU or UPDF forces.

"Secondly, we have agreed that the Government of Uganda will strengthen measures with regard to taking disciplinary action against armed forces personnel who knowingly recruit children into the LDUs or the UPDF.

"Thirdly, we have made arrangements to strengthen existing procedures for enabling access for designated personnel from UNICEF, the Office of the High Commissioner for Human Rights and the Uganda Human Rights Commission to go to military installations for the purpose of verifying whether or not there are children in the armed forces.

"Finally, the Government is seriously considering enacting legislation -- criminal legislation -- to punish those who aid and abet the mobilisation of children into the armed forces.

"Those are the four principles we agreed on, and a Joint Statement will be released along these lines later today or tomorrow.

"In addition, we found that there was a particular situation involving vulnerable girls in northern Uganda relating to sexual exploitation and violence. Although it is a general problem, we did say to the Government that we had received from many of the young girls we met that they had been in situations of sexual exploitation committed on the part of military personnel. We discussed with the Government the need to strengthen disciplinary procedures, devise enforceable guidelines and develop the training of military personnel to deal with this problem on the ground. I must say that [the Government was] responsive and we hope that [it] will take the necessary action. UNICEF and other UN agencies will follow up on this because we feel that sexual violence and sexual exploitation were important issues that came up when we talked to the women in the camps [for internally displaced persons].

"In addition to these points, I had wide-ranging discussions about issues such as the reintegration of vulnerable children into the community, the different methods that would be taken with regard to that, the different debates that exist, and the need to ensure that the children are not stigmatised by being categorised, but that at the same time measures are taken to deal with their vulnerability and their special needs.

"We also discussed issues relating to the need to strengthen civilian processes, especially the judiciary and the police, to make sure that crimes of violence against children are properly prosecuted in the courts system in the north. We found that the justice system [in the north] was not fully operational.

"We also looked at problems relating to child-headed households and the special needs that the children face.

"Finally, we remain concerned, along with all other UN agencies, about the humanitarian situation on the ground and the need to make sure that the indicators from these camps, especially with regard to children, move beyond the emergency level so that things like nutrition, healthcare and education of children in the camps are dealt with."

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## ANNEXTURE B



OSRSG/PR060621

22 June 2006

**FOR IMMEDIATE RELEASE**

### **President Museveni agrees to strengthen the legal framework on child soldiers in Uganda.**

*Pursuant to UN Security Council Resolution 1612, Ms. Coomaraswamy undertook her first visit to Uganda to assess the situation of children affected by the 20-year conflict between the Government and the rebel Lord's Resistance Army (LRA). On June 10, an agreement was reached with President Museveni to strengthen implementation of the existing legal and policy frameworks on the recruitment and use of children in armed conflict.*

Ms. Coomaraswamy, Special Representative of the UN Secretary General for Children Affected by Armed Conflict travelled to Uganda from June 3<sup>rd</sup> to 10<sup>th</sup>, to obtain firsthand knowledge of the humanitarian situation in the conflict-affected districts of northern Uganda. This field mission was carried out in accordance with the UN Security Council Resolution 1612 which sets up a monitoring and reporting mechanism of grave violations against children during armed conflict. During the mission, she inaugurated the first meeting of the Country Level Monitoring and Reporting Task Force set up under Security Council Resolution 1612.

The Special Representative visited Gulu and Pader Districts and met with community leaders, staff of humanitarian agencies, children and women. Her programme of activities also included consultations with senior representatives of the Government of Uganda on ways to improve the monitoring and reporting of violations against children. She held meetings with President Museveni, the Prime Minister, the Minister of Defence, the Minister of Foreign Affairs, as well as the Minister of Gender, Labour and Social Development, and the Army Commander.

"There is no doubt that the LRA's recruitment and use of children, as well as other abuses, is perhaps the worst possible violation with regard to children and armed conflict in Uganda. We as an office condemn these violations and we will assist the International Criminal Court (ICC) in dealing with these issues", said Ms. Coomaraswamy during a press conference at the end of her mission. With regard to the Government of Uganda, she confirmed that "there is no conscious policy, programme or project to specifically recruit children. However, we found that in Gulu and Pader, due to a number of factors, children are being absorbed into the Local Defense Units (LDUs) especially, as well as the Uganda People's Defence Forces (UPDF)".

In order to deal with this issue, the President of Uganda and his Government agreed on four principles to strengthen implementation of the existing legal and policy frameworks on the recruitment and use of children in armed conflict:

1. The Government of Uganda and UNICEF will agree on an action plan to (a) sensitize various stakeholders on the national laws, international conventions and protocols against recruitment

and use of children in armed forces, to (b) monitor implementation of the various national laws, international convention and protocols against the recruitment and use of children in armed forces and (c) to remove children if and where found in the armed forces.

2. While the SRSR acknowledges the existing legal framework and that there is no conscious policy to recruit and use children by the Government of Uganda, the Government of Uganda reiterates its commitment to appropriate disciplinary action against those military officers and officials who knowingly recruit and use children.
3. Agrees to strengthen existing independent monitoring procedures for joint access to military institutions by designated institutions.
4. Government of Uganda will review existing laws to cover the crime of aiding and abetting of recruitment of children in the armed forces by civilian officials.

In addition, the UN Special Representative discussed with President Museveni several issues concerning children, such as sexual exploitation, violence against girls, problems relating to child-headed households, reintegration of vulnerable children into the community. She also underlined the need to strengthen civilian processes, especially the judiciary and the police, to make sure that crimes of violence against children are properly prosecuted in the court system in the north.

Ms. Coomaraswamy also remains concerned, along with all other UN agencies, about 'the humanitarian situation on the ground and the need to make sure that the indicators from these camps, especially with regard to children, move beyond the emergency level so that essential services including nutrition, healthcare and education of children in the camps are addressed.'

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